



House of Commons
Education and Skills Committee

Every Child Matters

Ninth Report of Session 2004–05

Volume II

Oral and written evidence

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The Education and Skills Committee

The Education and Skills Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Education and Skills and its associated public bodies.

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National Bureau for Students with Disabilities

Community Play Rangers in Bath and North East Somerset

National Association of Educational Inspectors Advisors and Consultants

British Medical Association

The Oakfield Crew

Parentkind

Skills for Health

National Association of Connexions Partnerships (NACP)

Independent Children's Homes Association

SkillsActive

Association of Directors of Education and Children's Services and the Confederation of Education Service Managers

Children's Play Council

CCPR

ISCG

Family Planning Association (FPA)

School Home Support

Association of London Chief Education Officers (ALCEO)

National Day Nurseries Association (NDNA)

Mayor of London

Campaign for Learning

National College for School Leadership

Association of Colleges (AoC)

Evan Reynolds

United Nations High Commissioner for Refugees (UNHCR)

Disability Rights Commission

NASUWT;

National College for School Leadership;

NIACE

National Childminding Association

CHANT

Oral evidence

Taken before the Education and Skills Committee

on Monday 29 November 2004

Members present:

Mr Barry Sheerman, in the Chair

Mr Nick Gibb
Paul Holmes

Mr Kerry Pollard
Jonathan Shaw

Witness: **Lord Laming of Tewin**, a Member of the House of Lords, Chairman, Victoria Climbié Inquiry, examined.

Q1 Chairman: Lord Laming, welcome. I understand that apart from the Royal Family, the House of Lords is the one category of people that the Select Committee cannot ask to come and you cannot refuse; so it is a privilege when a Member of the Upper House comes to give evidence. We have had several Members of the House of Lords give evidence to the Committee, and we are always grateful.

Lord Laming: Had I known that nugget of information at an earlier stage, my decision might have been different, but I am really very glad to be here! I should like to say how much I appreciate the work that you and your Committee are doing on this subject, because it is vitally important that as a society we try and get this right, to protect the well-being of children. I think that the journey from Victoria Climbié to the full implementation of the Children Act is a very long journey, and it will need a lot of effort by a number of people. The work of your Committee is likely to make a very useful contribution to maintaining the momentum, so I am very grateful that your Committee has decided to do this work.

Q2 Chairman: Thank you very much for that. I should like to ask you some general questions about where we are today in terms of the Children Act. When you undertook your nearly year-long inquiry into the Victoria Climbié tragedy, did you have any notion that as you produced your report, simultaneously—synchronised—would be the introduction of *Every Child Matters*?

Lord Laming: No, Chairman, not at all. When I did the inquiry I was determined that the inquiry would be independent of Government and indeed every other organisation with an interest in the subject; that it would be transparent and fair, but also that it would be robust, because I did not want to spend time looking at a tragedy of this kind without the hope that something good would come out of it. It was only after the report was published that the Government told me that they had in mind producing a Green Paper *Every Child Matters* and they very kindly asked me if I would be willing to assist them in some parts of that report, and I was

very happy to do so. I think it is a very helpful contribution to what we hope will be a more effective service for children and families in the future.

Q3 Chairman: You were more concerned obviously with child protection matters.

Lord Laming: Yes.

Q4 Chairman: The Government wanted to spread their Green Paper to a much broader area of children's issues. Were you fully engaged in that? Did you know that it was going to be more broadly conceived?

Lord Laming: First of all, let me give you my perspective of the situation, which is that I was not preoccupied with child protection; the services that I looked at were preoccupied with child protection at the expense of the well-being of children generally. I hope that the report that I produced was a report which encouraged all of the services and the Government to look at the well-being of children generally and not to be in the vice-like grip of child protection. Therefore, in my discussions with Government Ministers about the Green Paper, my modest contribution to that, if it was of any value, was to encourage Ministers to look at the well-being of children generally, of which child protection is a very small part. If we do not start by identifying children who have needs of one kind or another, and only wait to act if there is blood on the carpet or terrible bruising, then we get it all wrong. We have to start at the earlier stage. Victoria was referred to social services under the Children Act on the second day she was in this country, and if they had responded to her as a child, new to this country, who did not speak any English, in a homeless situation—if they had responded to her as a child in need rather than waiting for the label of “child protection” to be put round her neck, then maybe all the other departments and agencies that were involved, would not have needed to be involved, and maybe Victoria would be alive today. I was therefore concerned that we get away from a narrow preoccupation with child protection and actually get into what I believe the 1989 Children Act is all about, which is promoting the welfare and well-being of children.

Q5 Chairman: Lord Laming, time has moved on; the Green Paper has come through into legislation and you can see various developments; you have heard what Ministers have said at the dispatch boxes, and you have heard the debates in both Houses: what is your perspective on your starting point and where the Government has got to now in terms of implementation?

Lord Laming: Chairman, the Victoria Climbié inquiry was a thoroughly dispiriting experience, and I cannot emphasise that enough. I thought that in respect of all of the agencies that were involved with this little girl—as I say from the second day she was in this country—despite their knowledge of her and their involvement with her, she suffered appallingly, and a dreadful death. I am very pleased that a number of actions have been taken by the Government, which I think they deserve great credit for. First, the Government accepted in principle every one of the 108 recommendations, and they made a very constructive response. There is a document that is published about their response to the 108 recommendations. Secondly, the Home Secretary accepted all of the recommendations affecting the police, and that is reflected in police guidance; but, more particularly, the well-being of children appears for the first time in the Home Secretary's priority list for the police. Thirdly, the Prime Minister, as you know, for the first time appointed a Minister for Children and Families. Fourthly, services that had hitherto been located elsewhere in Whitehall departments were substantially re-located into one department, the Department for Education and Skills, thereby trying to produce a more co-ordinated response to children. It also gave an example to local authorities and others. Then the Government produced this consultation paper, *Every Child Matters*, which I think is a very ambitious document when read in its full meaning. Unfortunately, people do tend to get hooked up on narrow organisational matters rather than looking at the big picture. They then produced the Children Act, which became an Act last week, which has again a number of profound changes within it. Finally, there will be a new system of inspection, where all of the Government inspectorates will be looking at the way in which these services are operating on the ground. I think that by any standards, and certainly in my experience of inquiries and inquiry reports over the years, that is a very constructive and very ambitious response to the Victoria Climbié Inquiry report. I think that the Government deserves great credit for that, and I am very happy to pay them credit for it.

Chairman: Lord Laming, thank you very much for those introductory remarks. I now want to move to some more specific questions. We will keep coming back to the broader picture.

Q6 Mr Pollard: Lord Laming, you have just said that the Government accepted all of the recommendations, and you have rightly praised them for that. What about implementation; how is

that going? Are you satisfied with progress so far, and are there any immediate areas of concern that you still have?

Lord Laming: I have large concerns about implementation because one of the matters that concerned me most in the Victoria Climbié Inquiry was the failure of the services to implement the 1989 Act. When you think that an act of Parliament had been in operation for a decade, in my view the will of Parliament, to which I attach a lot of importance, had not been achieved. As I say in the report, the gap between the legislation and the practice guidance issued from Whitehall, and the service delivery at the front door across the country, was far too wide and needs to be narrowed. I see the steps that the Government has taken, which are very, very important steps and a solid foundation on which to build the beginning of the next phase; however, the test is: what is the quality of services delivered at the front door by any one of these agencies across the whole of England, whether on a housing estate in Preston or a rural community in Cornwall? It seems to me that we need a greater certainty that the child will be at the centre of the process, that the well-being of the child will be paramount. That is something that we have not got, and we cannot rely that we have it everywhere. Implementation will be the test, and what the Government now puts in place gives us encouragement, but there is a long way to go.

Q7 Mr Pollard: Is the rate of change fast enough for what you envisaged originally?

Lord Laming: On the second day that Victoria was alive in this country, she was referred to social services as a child in need, and that authority was Ealing. Last week or the week before, I noticed that the Commission for Social Care Inspection published a list of local authorities across the country with stars attached to them, and I could not help but notice that Ealing was singled out as an authority that had no stars at all for its service to children; but, worse than that, it was moving down, getting worse. I regard this as pretty drastic. Do I think the speed of change is good enough? The answer is that I do not. I think that there is a long way to go. I began, Chairman, by saying that I appreciate the work of your Committee in maintaining the momentum, and I really do think this is very important because, frankly, we can all sit here and have a shared concern about children, but the issue is whether or not there is another Victoria being referred this minute to an agency, getting the same lack of response that Victoria got. There is urgency about it and there is a need to be absolutely determined. From my contact, I am sure that the Minister of Children has this in mind, but she needs all the encouragement that she can get.

Q8 Mr Pollard: Are you confident that there is a reduced risk now for all children as a result of what has gone on, or is Ealing an example that you feel is reflected nationwide?

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Lord Laming: I have to say that I am not confident. There is just a long way to go, and that is why there is a great deal of urgency and why there needs to be a great deal of determination in these matters. In my discussions with local authorities, health authorities and police forces up and down the country I pick up a very mixed picture. There are some authorities that I think are doing very much better, which is reflected in this document from the Commission for Inspection. Some authorities have yet to get the message, frankly, and that message needs to be got to them pretty quickly.

Q9 Mr Pollard: Social workers' caseloads generally are enormous, and in some cases their work is seen as being fire-fighting rather than being proactive, being reactive rather than proactive. Is there a cause for concern in recruitment and retention for example?

Lord Laming: Yes, there is a cause for concern about recruitment and retention. I actually have a huge regard for front-line social workers—I was one myself, and I have a huge regard for what they do. I think that we under-estimate the skills that they have to employ day by day, but we under-estimate the emotional tone that goes with the work that they have to do because they have to meet people in very distressing circumstances. It would be inhuman for them not to be disturbed by the quality of life that some people have and the distress that people experience. That is why I believe that these social workers need not only great support in what they do, but also high-calibre leadership that provides them with the right kind of direction. One of the difficulties in the Victoria Climbié Inquiry was that it was the front-line social workers that were identifying ways in which they could defend themselves, and I think the duty is placed on the authority, not on the individual social worker. It is for the authority to make sure that every front-line social worker has good supervision and proper support, and that managers know what is happening at the front door. That, in my view, is what managers are paid for. Until we are sure that the performance of managers will be evaluated by the quality of service at the front door rather than by glossy brochures and all the fine words spoken from headquarters, then we cannot be satisfied that social workers are being properly helped to do the job they have to do.

Q10 Mr Pollard: Is parenting an issue that we need to pay some attention to, as part of this partnership?

Lord Laming: It is extraordinary, Chairman, is it not, that we have the lowest birth rate that we have ever had, and in relation to the rest of the demographic changes in society the percentage of children in our society gets smaller and smaller? In those circumstances, you would think there is no excuse for us not to value every child and make sure that every child feels valued. For the vast majority of children, proper care is best delivered through their parents, and I note that the Government has in mind developing a range of services that are aimed at supporting parents and enabling them to fulfil their responsibilities to their children. I welcome all of

those initiatives. We have clearly got to get the message across that becoming a parent is probably the most responsible thing that any human being can do; and, secondly, that it is a life-long commitment. We do not now have the extended family that was so prevalent in my parents' and grandparents' age, where people were born and lived most of their lives in a network of family relationships. It is most important that society—and this is not nanny-ing but society being responsive to the needs of the community—ensures that parents are supported and that children have the best possible start to life. It seems a truism, but we must not forget that children are our future. Therefore, if we want to live in a healthy, positive society, we must ensure that children are given the best possible means to fulfil their potential and become useful and constructive members of the community and good parents.

Q11 Mr Pollard: Risk is part of everyday life.

Lord Laming: Yes.

Q12 Mr Pollard: Are we getting the balance right between what risk is acceptable and what risk we think we can protect children against?

Lord Laming: Not one of us can be expected to foresee or to prevent a sudden explosion of anger that leads to a child being injured. That kind of unexpected, explosive behaviour can happen even in situations where it is least expected. However, what we can get right and what we must get right is that when a child is identified as possibly having needs, a proper assessment is made by gathering the information contained in each of the departments around the place so that we get the best possible picture. We should not only assess need but we should assess risk. I think that this can be done. To be blunt, although I admire what social workers, doctors and police officers do—and I hope that I have conveyed that—I do not think that this is rocket science. What is necessary is a process. The process of social work has a beginning, then a step which is about gathering information, a step about assessment, a step about action to be taken, and a step about review and monitoring. That is a logical process, and it is the job of managers to see that in every case that is properly attended to. We had huge difficulty in the Victoria Climbié Inquiry in getting files, reports and documentation. If you tried to read the documentation, you would struggle to see any kind of logical process in it. It is inexcusable, in this day and age of computerisation, that information is not properly managed and handled. Until we do that and are sure we are doing it, we will not have dealt with risk adequately.

Q13 Chairman: Lord Laming, the authority you mentioned within which this child tragically died does not seem to be responding to the challenge of improving the kind of services it provides to children.

Lord Laming: Not from their evidence, I have to say, to the inquiry, because if you go back and review that you would think that great changes had taken place; but if you look at the evidence of this

document, of social care inspection, you will see that they are not only one of 10 authorities that has no stars, but one of two that is moving downwards. Victoria died in February 2000: it is nearly five years since Victoria died. It leads me to suspect, to put it at its minimum, that they either do not have the will or they do not have the capacity to change, and I do not know how long society should give authorities that cannot demonstrate they are looking to the well-being of children in this way.

Q14 Chairman: As you know, it is new territory for us, getting into the social services area; we are usually in our comfort zone of education, and this is a whole new world for us. Certainly in terms of education under-performance, one would have expected the inspector of both the local education authority and the specific school—that there would be some real improvement over five years, and this Committee would want to know something about it. You are saying that for nearly five years the authority involved in this tragic death has not improved.

Lord Laming: According to this report, which I accept.

Chairman: Certainly, as Chairman of this Committee I find that quite astounding.

Q15 Jonathan Shaw: Lord Laming, you have mentioned your career in social work, and we know that you were the Chief Social Services Inspector for a number of years. You told the Committee that when you were undertaking the inquiry it was a thoroughly dispiriting experience. When you were undertaking your inquiry, did you ever reflect upon your previous role as the Chief Inspector, and think, “we did not do enough here”?

Lord Laming: Absolutely.

Q16 Jonathan Shaw: When you respond to that, can you also do so in the context of private fostering?

Lord Laming: Let me deal with your first question, which I take to be a very important question. I had been a director of social services for 20 years before I became Chief Inspector. I did not think that the department that I was director of social services for was a particularly outstanding authority. I was more aware of our shortcomings than our achievements, and that was the spur to make me go on and keep trying to do better. However, when I became Chief Inspector I of course had the opportunity to look at 149 other authorities, and it made me realise that certain things I had taken for granted as being givens in an organisation, I was not entitled to take for granted in some organisations. There were some that I thought were outstandingly good, and this report reflects that there are some authorities that are well run and have three stars; they know what they are doing and support their staff and deserve great credit. There were not enough of those authorities, however, and what is more there were some that caused me great concern. While I was Chief Inspector we had a number of authorities on what we called special measures, where they were being scrutinised on a regular basis. When I did the

Victoria Climbié Inquiry I did find it a very dispiriting experience, and of course if you have been in the position of being Chief Inspector, I think it would be unreasonable not to think why these authorities have behaved in this way. All that has made me even more determined to try to persuade others to take more robust action with authorities that are not fulfilling their responsibilities to children in the way that they should. I hope very much that others that come after me—and I believe there is evidence that they are doing much better than I did—will do well, and I wish them great success. Private fostering is a feature in our society. It is a difficult area because most parents at some time in their lives make arrangements for their children to be looked after by another family from time to time. That is altogether different from what might be called a permanent or semi-permanent arrangement. As I understand it, the Government is doing its best to strike a balance between not wanting to intrude in normal family arrangements, but at the same time making sure that the regulations relating to private fostering are brought up to date. It is not an easy area.

Q17 Jonathan Shaw: The most comprehensive inquiry into children staying away from home was your predecessor, Sir William Utting. It said that this group of children were amongst the most vulnerable in our society.

Lord Laming: Yes.

Q18 Jonathan Shaw: Particularly those children coming from West Africa such as Victoria Climbié; and it recommended a registration scheme. You endorsed that. You said in the report that you had nothing further to add to what Sir William said. However, the Government has been criticised in some quarters for not going far enough and implementing a full registration scheme, particularly when they do not know how many children are privately fostered because they have not collected the figures, and have not done since you were Chief Inspector; they stopped collating because it was an impossible task. Is that correct?

Lord Laming: All of that is right. I have to say that private fostering did not feature very strongly in the Victoria Climbié Inquiry because there was never a formal private fostering arrangement made as far as Victoria was concerned; it was all rather different. You could not describe it as private fostering. Therefore, on the basis of the evidence that came to the inquiry, I did not feel that I could say more than I did say, which is that I thought Sir William Utting did a very good job, and that there was nothing more that I could add. However—and this is not me wanting in any way to belittle the seriousness of the situation, but more to say that I do think private fostering is a more difficult area to regulate than most others. With child-minding, it is easier; but the child is not as exposed in child-minding because he goes home to his parents in the evening. In private fostering they can be there for months, as you know.

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I think that Sir William Utting did a really good job; the issues are still there; and the Government should address them.

Q19 Mr Gibb: You talk about poor practice by professionals, and you have emphasised time and again in your evidence this afternoon that you are concerned about the quality of leadership in the local authority concerned, and you cite the number of stars and decline in quality. Is that not the fundamental issue here; that it is about the quality of management in our local authorities? I wonder, therefore, how the measures that have been proposed by the Government and in the Children Act can address that fundamental problem that we have in a lot of our local authorities—management that is not really up to scratch.

Lord Laming: Can I say that as far as Victoria Climbié was concerned, it was not just local authorities; there were four local authorities, but she was twice in hospitals—and to give one minor example of what was wrong there, the second hospital that admitted Victoria could not access any information from when she was in the first hospital, even though it was only a few miles up the road. She was referred to two specialist child-protection teams of the police; she was referred to a centre run by the NSPCC. This is not about local authority bashing or social work bashing; in my view it is about, more generally, the quality of leadership and management in the public services. I think that public service has become much more complicated in recent years: we expect much more of them; the tasks are more complicated, and I think that in the Health Service and other services—not all by any means—the quality of management has not kept pace with the demands of the job. If you just take information-gathering, information-recording and information-exchange, you can see how some of the authorities have not kept pace with modern technology and the way in which, as society, we can handle information so much better. It is the quality of leadership, but we ought to make plain that we expect of leaders not only a clear sense of direction but also a clear line of accountability, and that we expect them to be judged on the services delivered at the front door.

Q20 Mr Gibb: I absolutely agree with everything you say, and you raise an issue that goes right to the root of our key three public services involving health, crime and education, where the public is not happy. You have hit the nail on the head about the problems in those three areas. In terms of social services, do you think we can tackle that underlying poor-quality management by continuing to have social services accountable at the local level, so that accountability ends in a very small area of Britain; or is there not a case now for social services, just as an example and leaving the other two things on one side for the moment, for having social services as part of a national organisation with a proper pyramidal modern structure of management, where social services directors locally are accountable to a more experienced director of social services at a regional and national level?

Lord Laming: Chairman, I have to say that I take an entirely diametric view. Whether it be the Health Service, the police service or the local authority service, management ought to be as close as possible to service delivery, and accountability ought to be as close as possible to service delivery. In the Victoria Climbié Inquiry there were far too many people in senior positions who claimed that they did not know and could not know what was happening to Victoria Climbié and other children at the front door. In some ways in our public services the management has got too distant from service delivery, and too much time of management is taken up keeping the organisation going rather than thinking about what is happening at a local level. I strongly believe that communities are best served if they have an involvement in their local services and have confidence in their local services, which means that we do not want national models, in my view. I would like to think that even within a local authority, the kind of service that is available, and the intensity of the service available, in a very poor housing estate was quite different from the service that might be available in some other parts of the same authority.

Q21 Mr Gibb: How do you improve the quality of management?

Lord Laming: By being absolutely clear what we expect of managers and what their job is. Far too often managers in big organisations see their role as defending the organisation and serving the needs of the organisation; whereas we ought to be judging managers on the way in which they serve the public. These are public services for the benefit of the public, and therefore the test is, as I keep saying, what happens at the front door. I think there is too little preoccupation at the front door. Too much of that is left to the most junior staff, the lowest paid staff, the most inexperienced staff. We ought to be making sure that we have people who are experienced, senior and who are judged by what is happening at the front door. I have seen some good services at local level since the Victoria Climbié report was published, where there has been a senior manager in the room with front-line workers, providing effective support and supervision as the workers come in. I rather like those models.

Paul Holmes: You said that the Climbié tragedy was 10 years after the 1989 Act, but that really the 1989 Act had not been properly implemented. You said that five years on from your inquiry, Ealing, the authority at the centre of all this, had got worse. You have agreed with Kerry that social workers were difficult to recruit and retain, especially in the urban areas where the problems are most acute; so there are some systematic failures. We have just explored whether it is the quality of the management that is to blame. How far can you comment on whether the administrative and decision-making structures are the problem, which *Every Child Matters* is trying to move around; and how far is it a problem with cash and resources?

Lord Laming: Chairman, I think a very important factor is that of the turnover of social workers and retention of social workers. There is a huge

difference between authorities, and indeed between teams in authorities. You can understand why this happens; to be absolutely blunt, if I were a social worker working in some teams that I have experienced, I think that I would want to get out as quickly as I could. I think that some teams are quite dysfunctional; they are badly led, badly managed, and the staff are badly supported. In other teams, social workers—no doubt police officers, nurses and doctors the same—despite the workload are very happy teams; people are confident in what they are doing; they are confident in the management and confident in the leadership, and the turnover rate is dramatically lower. My view is that we are on a losing wicket if we go on thinking the problem is solely about recruitment of social workers or solely about the number that are trained as social workers if we do not address the retention of social workers. Training social workers to have them leave within a year or two years is not good. One of the things that I hope the inspectorate will increasingly do is look at the retention of front-line staff and look at why staff decide to give up. That said, I believe that we are indebted to front-line staff. When I trained to be a social worker, I expected to be one for the rest of my life. I was very happy being a social worker, in that I had worked very hard to become a social worker. I was a probation officer in those days. I had worked extremely hard to become a probation officer, and I thought that it was a great privilege and a great opportunity; but I had the good fortune to work in an extremely well-managed and well-supported department. I think that as a society we should value social workers more, not only in providing them with support and help but also recognising that in salary and conditions of service. It is a very demanding job.

Q22 Paul Holmes: Kerry made the point that social workers often complain that they are massively overloaded with cases and that they are fire-fighting rather than properly managing a case load, and you have talked about pay; so it is a resource issue?

Lord Laming: I find the resource issue quite difficult, if I am absolutely frank—and I wish to be with the Committee—in that it is very easy to say “we need more resources”. I am sure everybody is tempted to say that. However, I want to say frankly to the Committee that I do not want more resources to produce more of the same, because more of the same, frankly, is not good enough. We have to get into the equation an evaluation of outcomes. More resources must be linked with better outcomes, and better outcomes are about better service to people. If you think of Victoria Climbié, she was only alive in this country for 10 months, and during that time she was known to four social services departments, three housing departments, admitted to two different hospitals; she was referred to two different child protection teams in the Metropolitan Police, a specialist unit at the NSPCC: resourcing was not the issue. The issue was that nobody stopped to say, “What is a day like in the life of this child? Why is this eight-year-old never in school?” These are not difficult questions, and so I think we have to

increasingly say, “more resources will be allocated if you can demonstrate better outcomes for children.” Some authorities are doing that.

Q23 Paul Holmes: In relation to that, if *Every Child Matters* is looking at how social services, hospitals and police integrate better, when you get down to the front line what do you suggest should be done in terms of the skills and training that social workers, supervisors and team-leaders have? Should there be changes there?

Lord Laming: There are a number of things I would like to see happen. First, I believe very much in specialism, specialist knowledge and specialist skills. The idea that a social worker can be an expert in mental health, learning disabilities, the needs of elderly people and children, is fundamentally wrong. I would like to see social workers being expert in their particular field, and that means knowing the legislation, knowing what their role is, having confidence in the systems, and being clear about the responsibilities of other agencies. Secondly, I do not think that social services should be treated as the catch-all; that when there are problems for other services, if they refer the child to social services that means they can abdicate their responsibilities. Every one of them has a unique and distinctive responsibility, and a continuing responsibility, whether it is in the Health Service—whether it is a GP, a health visitor or a police officer. They have a continuing responsibility. I think that we need to get that clear. Thirdly, in the future, local authorities from the chief executive to the lead member on children’s services, to the director of children’s services, should have to demonstrate what arrangements they have made in their local area for each of these agencies to play their separate role, and to exchange information in an appropriate manner. I do not mean being insensitive to privacy, but to refer information in ways that are agreed between the agencies, but when the child is at the centre of this process.

Q24 Chairman: Lord Laming, are incidents like the tragedy of Victoria Climbié an increasing phenomenon in our society, or a declining one, giving a broad brush?

Lord Laming: I cannot answer that, Chairman, with any authority, because different people attach different importance to different bits of research. Some people will give a certain number of deaths of children per year, and other people will say “yes, but they were not children that were known to social services or known to the services as being a child at risk”. I hope you do not feel there is anything glib in what I say on this subject—because I feel this very strongly—but too many children in our society are not getting the services they need and the protection they are entitled to at this stage. Until that changes, whatever the numbers are, we have to keep on working away to say it is not good enough and that we have to do better.

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Q25 Jonathan Shaw: Lord Laming, the local safeguarding children's boards are going to be statutory in place of the voluntary area of child protection committees; are you satisfied with that response? Do you think that that will provide an effective means of protecting children and co-ordinating services, despite not all of those organisations having a statutory requirement to co-operate? There was some debate on this around the Bill, which I am sure you are familiar with.

Lord Laming of Tewin: Yes. I think it is a huge step forward because I think that what was evident in the Victoria Climbié Inquiry was that other services took the view that if they referred a child to Social Services then that basically meant that it was now a Social Services responsibility. As you gathered from what I said earlier, that is not a view that I share at all. I think that the local safeguarding boards are a significant step forward. I think that I would like to think that in future any evaluation of a local children's service would begin with a few simple questions, like: what do you know about the needs of children in your area? How do you know about those needs? How are you addressing those needs, collectively? Persuade me. I think the boards would have a big responsibility to do that.

Q26 Jonathan Shaw: If you had a seat on this Committee, Lord Laming, and the Minister was in front of you, what would you be looking for her to be telling the Committee? What would you recommend to the Committee that we need to look for as we conduct this inquiry?

Lord Laming of Tewin: I think that that would be rather presumptuous of me. I will tell you what I would like to at least put in your minds. I think that the Children Act forms a good foundation. I think that there will be some tendency out there for people to become preoccupied with a small number of structural organisational factors and, therefore, give the impression they have complied with the Children Act, whereas I think that the great possibilities the Minister has is to persuade these authorities—not just local authorities but all of the authorities—that the well being of children, more than the safety of children, is their collective responsibility. Therefore, we are not going to be mesmerised by minor organisational structural features. We are going to be targeting the outcomes for children. Good experience for children, good experience in their early childhood, confidence in the future for these children, an ability to think that society is good for them and that they want to contribute to society and good role models. I think the Minister for Children could be supported in that.

Q27 Jonathan Shaw: You described when you left Hertfordshire Social Services after being the Director there for many years. Let us just suppose you were just beginning your job as a Director of Social Services in 2004 and this had landed on your desk. If you had your time again, what would be your starting point and what would you envisage your

department to look like in terms of its relationship with other departments over the course of the next two years?

Lord Laming of Tewin: The best director of Social Services I have seen, the best Social Services departments in operation that I have had the pleasure of seeing, are much better than I was as a Director of Social Services, very much better. The biggest change that has happened in the services, that needs to happen in all the services, is what I describe as a change from senior officers being administrators to senior officers being managers. That is something that may seem fairly easy to say, but it is very difficult to implement because I think that when I was a Director of Social Services the emphasis was very much on complying with certain things like keeping within budget, making sure that staff got paid and all the fundamentals were in place in terms of good administration. I think that what is now needed is something much much more sophisticated and more difficult, which in a complex organisation where you depend upon a diversity of skills and a wide range of people fulfilling different jobs and where there are huge demands upon your service, then you are never going to have such resources behind you that you are going to meet all need. You need to have a clear set of priorities and to give front line staff very clear leadership and for the staff to know that at the end of the day you are accepting personal accountability for what happens in the organisation. I attach enormous importance to the head of the organisation being personally accountable for what happens in the organisation because I think that is not only right but I think it is a huge message to staff about the way in which this organisation conducts its business.

Q28 Mr Gibb: Can we talk about the database. I understand you recommended such a database, how it has been proposed. Can you just answer the question about whether this is a good use of resources. It is likely to be an expensive item; experience shows they do tend to become very expensive. Would that money not be better spent improving management and improving the quality of people employed on the front line?

Lord Laming of Tewin: I think, Chairman, this is the really important question, if I may say so, because I personally do not want to see an all-singing all-dancing mega national computerised programme, as it were, but what I do think is very important is to recognise that a child might be on a large number of databases, but (a) the databases are not coordinated, (b) they cannot speak to each other so information cannot be easily exchanged, and (c) it means that no one service ever gets a full picture. What struck me in the Victoria Climbié Inquiry was the number of witnesses in Phase 2 when we had seminars where we drew people from all around the country, where people were saying time after time: it is only after the child has died that we all come together—as you are sitting together now, Chairman,—and people put on the table what they knew about this child and its family. It is only then that we realise something of the full picture. Had any one of us had that

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perspective before we would have acted earlier; it may be expensive in one way, but it is hugely expensive with the death of a child if we do not get it.

Q29 Mr Gibb: If you do not want an all-singing all-dancing national database does that mean you want a locally administered database?

Lord Laming of Tewin: One of the things that I recommended was that the departments set up pilots because I think this is a complicated area, especially if we just take London. Families can move across the street and be in a different borough. There is no point in having a database that is borough-based. What we know about children who are abused is that they can be quite often presented in different hospitals, even hospitals just two or three miles down the road. They go to different accident and emergency wards. People tell a different story as to why the child has the injuries. I think if we are really going to take seriously the fact that we need to use the information which is already in the system then we need to have a database that is comprehensive in relation to being able to have it used by all of the key services, but also which is able to pick up previous attendance at accident and emergency, previous injuries, potential injuries to children. On the other hand, I think that it is a database which is about highlighting contacts with children. It is not a database which necessarily has all the material on it. It is enough to know that this child was in hospital last week or last month or whenever it may be and then get the information from the hospital. You do not have to have all the information on the database. I do think the protection of privacy in that is a very important matter.

Q30 Mr Gibb: It sounds like you are talking about a national database.

Lord Laming of Tewin: I am talking about a national database to do this specific function, but not a national database which has a lot of personal information on it.

Q31 Mr Gibb: It will be a national database but locally there would be a database.

Lord Laming of Tewin: Let me say, Chairman, I made the recommendation because I am not a computer literate person. I am one of these people who need a lot of help in this area. There are those who are much more skilled than I am.

Q32 Mr Gibb: You want the database to be done nationally. Perhaps you want the payroll to be done nationally as well for the Social Services department. I cannot quite understand: you want these things to be locally based organisations yet you want the database to be national. What else do you want to be national in terms of Social Services?

Lord Laming of Tewin: Having a database which is national does not imply national service. Nowadays, the opportunity to manage information is so much more sophisticated and easier that you can exchange information between services. Whilst we were actually sitting on the Victoria Climbié Inquiry we were pressed to take on other deaths of children. The

ones that we were asked to take on, like Victoria, they moved between authorities. The new authority had not picked up that the previous authority had concerns or had not picked up what the concerns were of the previous authority. We do have to take this seriously, but on the other hand I think that we can do it on the basis of highlighting the involvement of other agencies without putting the content on the data.

Q33 Mr Gibb: I understand that. You want to have all children on this database do you?

Lord Laming of Tewin: The reason I recommended a pilot is because I know that there are 11 million children or something in this country. It did seem to me that what we must not do is create a database that nobody is going to use; that would not be by any means the biggest database. As I understand it, the vehicle registration database, the Passport Office, National Insurance, Social Security systems have much bigger databases, but the difference with this database is that many more people could input information and many more people could access information. That needs to be controlled because there are real issues there. That, frankly, is a step beyond me. That was why I recommended pilots.

Q34 Mr Gibb: Will parents have access to the data retained on it about their own children?

Lord Laming of Tewin: Yes. For years and years, Chairman, I have believed that nothing should be on a case file that is not known to a parent. In other words, when I was in practice I operated on the basis that anything that I wrote on the case file, the person concerned could be aware of it. I could not tell them what a psychiatrist had written because that was their information, but anything that I wrote, I believe very much in transparency. I believe it is patronising in the extreme to say that people cannot cope with what you believe and write about them or their children. Therefore, yes, whatever is on the database parents should know about it.

Q35 Mr Gibb: Will they then have access to see the thing referred to? You say you do not want full information on the database, just have references to the fact that there was a hospital visit or whatever, a question from the social worker. Will they then have access to the ongoing file that it refers to? It implies that they would?

Lord Laming of Tewin: I believe in transparency. I believe in not patronising people. If there is a concern about somebody's child or a concern about their parenting skills I think workers, whether they are doctors, nurses or social workers or police officers, should be mature enough to say to a parent, "I am concerned about this child. I am concerned about these matters. The reason why I need to investigate this is because of X, Y and Z."

Q36 Mr Gibb: If an error is discovered, what are the procedures for removing that error from the file and the database? For example, if a parent were accused of Munchausen's syndrome by proxy, for example, and it turned out that it was an erroneous

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accusation, would the fact that there had been an accusation of Munchausen's syndrome by proxy be removed completely from the file or would then an adoption agency asked for information about that parent's suitability to adopt children be informed that there had been a false accusation of this syndrome?

Lord Laming of Tewin: Chairman, I operate on a simple principle which is that any database that I am on—and I hope the same for you—you should know you are on the database and you should have opportunity to correct anything you think is wrong. I do not believe in this day and age that we should support any system which is based upon secrecy.

Q37 Mr Gibb: You would be in favour of removing the erroneous information from the file which would then not be referred to again by the authorities when quizzed by people accessing the database?

Lord Laming of Tewin: Yes. If somebody said that I had a poor credit rating and the database said that I had a poor credit rating I would like to have the opportunity to correct it if it was wrong.

Q38 Mr Gibb: Do you think that is what happens at the moment in Social Services departments?

Lord Laming of Tewin: In my view, and it is only my view, good work should be based upon a measure of openness, trust, and transparency. If I had tried to practise this some years ago before I had grey hair, and I hope that I would practise this now, I remember when I first started as a probation officer I used to let everybody know that I was working with, that I kept a case file. I let them know exactly what I was putting on the case file. Every couple of months or so I would review with them their progress as to whether they were fulfilling the conditions of their probation order. If they were not, I would tell them what I had concerns about and if necessary I would tell them I was going to take them back to court for failure to comply with the probation order. Personally I do not accept that work of this kind requires any degree of secrecy.

Q39 Mr Gibb: A final question, Chairman: what should we, as a Committee, be alert to? What should the Committee be alert to over the coming months of the implementation of this database?

Lord Laming of Tewin: Anybody that tries to simplify the issues because I think that they are extreme complicated. Secondly, I think that matters of confidentiality are hugely important, but there are issues that have to be managed and you have to be aware of how people are managing them. I have always said to people: as long as you can demonstrate that any action you take you can put your hand on your heart and say you took it in the best interests and the well being and safety of the child rather than for any other reason, then that is action which should be defended.

Q40 Chairman: Lord Laming, there are some problems in terms of the ability to remove information from a database, are there not? In terms

of an allegation; if someone is arrested for something but the case is not proceeded with, that is a difficult area, is it not?

Lord Laming of Tewin: It is a difficult area. When I employed staff to work with children I had to have a police check on all of them. Of course information came from the police about individuals. I am familiar with the difficulties. On the other hand, it does seem to me that for the most part these matters can be handled if, as a society, we follow practices that are open and defensible. What I do not think is defensible is to hold information in secret and to pass information undercover and pretend that we are not passing that information. I do not want to be part of a society that operates in that way. If at the end of the day that means that some information is not passed because it was information that should not have been kept, it should have been removed from the database, and something happens, I suppose that is the price that we pay. The greater good of society, in my view, is served by being open and being transparent. These are difficult situations, but I would like to have certain principles established as to how they are handled.

Q41 Chairman: Something I want to touch on before we lose the opportunity, I have a particular interest in the whole notion of a Minister for Children and a Children's Commissioner representing Huddersfield. Brian Jackson who was from Huddersfield—you may know Brian Jackson's work—he campaigned most of his life for a Minister for Children. What I want to ask you now is: how do you view the Children's Commissioner and his present incarnation? How is the role developing in terms of how you see it?

Lord Laming of Tewin: If there is to be a Children's Commissioner—and there is now to be a Children's Commissioner—I think it is very important that the Children's Commissioner is seen to have a distinctive role which is separate from everybody else's role. It needs to be different. I do not think that we want a Children's Commissioner who is there to second guess the decisions of social workers or police officers or health workers. I think that we want a Children's Commissioner who is a genuine advocate for children who is seen as looking at the proper development of all children, making sure that, as a society, we value children—which sometimes I have to say I have had doubts about—but that we value children and that we recognise that in a changing world children have a voice which needs to be listened to and children have a perspective which we should take seriously. I would like to see a Children's Commissioner as not somebody who is spending their time questioning how individual cases have been handled because there are appeal mechanisms in all of these services. There are review mechanisms. There are opportunities for reconsideration. Of course people get things wrong, but there are methods that Parliament has put in place to look at those again. There are complaints procedures, there is the ombudsman, there is the Court of Appeal, there are all manner of things, rightly so. I would like to see

a Children's Commissioner as being somebody who has that distinctive role of being a real advocate for children. Whether it is about playing fields or whether it is about obesity or whether it is about drugs or bullying or whatever it may be, anything that interferes with the good development of children ought to be something for the Children's Commissioner. The Children's Commissioner ought to be a voice for children. Therefore, the Children's Commissioner will, in my view, need to be somebody who is credible with children and young people, who has the machinery in place to know about children and young people, to listen to children and young people and then to involve children and young people.

Q42 Chairman: Norway or Finland picked out a Children's Commissioner who was a disc jockey. Do you envisage someone with a profile pushing up the role of children, perhaps Terry Wogan taking over the role? What sort of person do you think would be the right person to run this Children's Commissioner? Is it a pop idol?

Lord Laming of Tewin: I think, Chairman, I have not studied the Children's Commissioner process in other countries and I could not comment on that. What I would say is that the Children's Commissioner should not be somebody like me: old, grey and a long distance behind them.

Q43 Chairman: You mean with a distinguished record in services? What I am posing is a serious question. A high profile person, getting into newspapers regularly, getting in all the media. Profiling people—Terry Wogan was something of a joke, but you know exactly what I mean—somebody who has not a lot of fear, a high profile sort of person, a media person rather than a distinguished public servant.

Lord Laming of Tewin: It is not the media bit that interests me terribly. What interests me is their credibility with children and young people. What interests me is their ability to have a genuine and easy relationship with children and young people, to speak their language, to understand what it is like to be a young person in society, to be somebody who children and young people will want to communicate with.

Q44 Paul Holmes: In the discussion about establishing the database it is easy to lose sight perhaps of the fact that the database is simply a tool to allow the sharing of information. How do we get down to the practicalities of getting that integrated information used properly? For example, with the move to create extended schools and children's centres who is in charge? Who is in the driving seat there? Is it the director of Social Services or is it the local education authority, although given the Queen's Speech it seems they are going to become a dead duck anyway?

Lord Laming of Tewin: I think that that is a hugely difficult question. I am sorry to come back to this, but you realise that new technology and computerisation is not one of my fortes. That is why

I was extremely careful in the Victoria Climbié Report to say that there should be pilots because I think that these are really difficult issues. I am persuaded by the people who know about databases that you can design a database to do almost anything in the management, the gathering and the management and the analysis and the transmission of information. It is not the technology that is the problem. The problem is defining exactly what we want this database to do, who can input to it and who can access it: they are the real issues. It seems to me that if we make this a local authority wide database we miss out on a very important feature of our society which is geographical mobility. Geographical mobility is a factor in our society, more prevalent in some parts of the country than in others, but if you look at some of the Ofsted reports they have highlighted how many children today are not on any school roll. If a child leaves a school because the family is moving, unless the parents tell the school which school the child is going to next, or when they contact a new school tell them where they have come from, that information is lost. If they choose not to tell the school where they are going to, not to register the child in the new home, their new address, then that child is lost to the education system. This cannot be right. 10,000 children not on the school roll: it is unacceptable. It seems to me that what we have to recognise is that in a society in which geographical mobility is not only a reality but is likely to be a bigger reality in future, we have to have databases that can track children as they move through society. Children have rights as well as adults. We need to make sure that children are valued as essential members of our community among adults.

Q45 Paul Holmes: Moving away from the database, which you said if done right can allow all that to happen, but we are still back to the question of management and how we shift. At the moment we have these very segregated departments, different managements. We saw in Finland the example of the campus where you had a health centre, social services and school all on the same site within a few yards of each other. If we do that in England where we are coming from the totally opposite side? How do we get the management of the hospital trust, the director of Social Services and the director of Education, who is in the driving seat according to the Children's Bill in making this happen?

Lord Laming of Tewin: That is certainly a key question. What it means is it is no use having 150 different databases that do not talk to each other. What struck me—I am sorry to give this example but it is one that struck me—I was recently in China doing something for some services for children in China and I needed some money. I went to a bank and I put my card into the hole in the wall and out came the money in Chinese currency from my bank account. If we can do that, we can manage the movement of children across our society in this country.

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Q46 Chairman: Last question: do you want an integrated service for children? How are we going to really bind it in? How is it going to be managed properly? There is a large emphasis on good management; I absolutely agree with you. How are we going to have good management in a new organisation mainly based, but not entirely, on local authority areas where, in a sense, you do not have fully compliant partners? Certainly, GPs I think are excluded from the recommendations, the hospital trusts and even the primary healthcare trusts are not fully integrated into the process. How are we going to overcome that?

Lord Laming of Tewin: I think that it is a huge disadvantage that we do not have coterminosity of boundaries in many parts of the country. I think that is a huge complication, but what I am hoping is that the local safeguarding board, which will require on a statutory basis the key services to be represented at the board, will be the beginning. It is a long journey. We need to renew progress as we go along. We will be at the beginning of ensuring that there is much better cooperation about information, about children, exchanging information and much more collaborative working, so that it is not just passing the parcel over from one service to another. It is actually genuinely people working together at a local

level. It can be done. Recently I visited a Social Services department referral and intake team where there was a health visitor in the team who did not operate as a social worker but who formed an essential liaison between the social work team, accident and emergency, the child paediatric services, the GP services, the local health visitor services, that worked absolutely splendidly I thought. These models need to be developed and they need to be spread across the country. I am sure it can be done.

Q47 Chairman: Lord Laming, it has been a privilege for us to have you as a witness to this Committee. Thank you very much.

Lord Laming of Tewin: Chairman, thank you very much for the invitation and perhaps you would allow me to repeat something that I said at the beginning which is: I think this is a hugely important study that you are engaged on. I do wish you every success in what you are doing because I think that it is not only important in respect of the importance of child protection. It is much wider than that. It is important in respect of ensuring that in our society we learn to value children more and to ensure that they have the best possible start in life. I wish you well.

Witness: Mr Philip Collins, Director, Social Market Foundation, examined.

Q48 Chairman: Phil Collins. You are not grey?

Mr Collins: I am not.

Q49 Chairman: Are you looking for a job as a Children's Commissioner?

Mr Collins: I am not really, no, not after the exposition of the problems we have just heard. It is a tough job.

Q50 Chairman: We have seen you pop up in many different guises in the education world. It is very good of you to take time to be with us today. We particularly want to probe with you some questions around this whole new shift in the approach to children's issues. From your wide experience in this area we hope you can give us a unique look at these issues and wonder if you want to say something to get things started?

Mr Collins: I agree with an awful lot of what Lord Laming said so I will not recapitulate any of that so we can go through quicker. There are two arguments that collide here which show where we are, one of which is the aftermath of the Victoria Climbié process. We should remember that the Green Paper had a life prior to that. It was not originally the Victoria Climbié response. We went through a number of iterations and it has collided with this view which is now very prevalent and in fact becomes a bit of a cliché that the early years of life are more important in policy than any other moment in a welfare state. Generally speaking, the welfare state has never been from cradle to grave. Once the health visitor has been and the immunisation

programme is over the welfare state has left you alone for a few years until the door to the primary school opens and the old Jesuitical insight that that is the most important moment. There is a lot of evidence built up, mostly from America and of course Scandinavia, that £1 spent in that era has a significantly better return than £1 spent in remedial activity in the teenage years. I think that argument, which has now really taken hold, has come together with the attempts to respond to the failings which sometimes has fatal consequences like the Victoria Climbié case. That is where we are now. In a way, the first big question is: who is the Green Paper for? Who is it about? Is it simply about the mercifully small number of cases where systemic failure leads to fatal consequences? Is it about that 10% of least well off children or is it universal? I think there are all sorts of tensions in answering the questions. An interesting thought is: who in fact is this Green Paper, this Bill really for?

Q51 Chairman: To follow those thoughts through, who do you think it is about? Do you think it is the very vulnerable minority? Is it the poorest 10%? The Bill purports to be for children right through to 18. You do not hear much discussion of the older age groups in terms of that, do you?

Mr Collins: No. That is where the gap starts. To give an example of where this becomes quite depressing is we know that if you can attach a named person to people in public services their satisfaction with the service goes up. Also, the actual experience they have is improved, but their report of their experience

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is that it is much better. The usual response in public service is a post facto joining up. You have lots of disciplines doing their own thing and you join them up in a multi-disciplinary team. The approach in the Green Paper was to try to get a named person to follow all the way through. One point where I think I probably do disagree with Lord Laming on specialisation, or at least it is worth posing the question: specialisation may exacerbate the tensions. One of our big problems, which is common to all of the fatal examples and is common to much less not non-fatal but important instances of mediocrity in service, is that the system does not talk to each other. The levels of coordination are very poor. It is partly a technical problem that we do not have the systems that work, but it is principally more than that; it is principally cultural. One of the reasons professions within the system do not talk to each other is that they are very, very busy and have other things to do. It is not the first thing on their radar. I have said this repeatedly at conferences to the various professionals, and understandably they do not like it, the professional rivalry that exists between them, that expertise and professional prestige involves pulling the ladder after you and erecting barriers around yourself. This is going to be a very significant problem when we try and integrate this profession. For example, the tensions between people who see themselves as educators, people who see themselves as carers are already looming. I do not think at the moment there is a very clear way through that problem. Those professional demarcations I think are going to prove to be extremely hard to negotiate.

Q52 Chairman: Do you think health is going to be a particular problem?

Philip Collins: Health. Yes, I do. Health is a good example because the original vision of the Bill in the Act, in the Green Paper, I think was to envisage moving from a social care workforce and health workforce to a children's workforce. It is now unclear to me whether that is still where we are going. The position of health visitors and midwives, for example, is made much more complicated by this process because their hope and aim is simply to carry on in their neatly defined professional package and be part of a multi-disciplinary team. If instead we head towards something like a children's practitioner, everybody is in some way a children's practitioner with their specialisms underneath and that alters the nature of those professionals quite markedly in ways which as yet we have not thought through seriously. Trying to think through what the integration of service means for people's jobs is very, very important. That leads to another important point about entry routes into these professions because I agree with what was said before about recruitment and retention being absolutely pivotal and difficult. I think pay is something to do with that. It is no coincidence that as a nursery assistant on £5.60 an hour they struggle to recruit. I just think it is dishonest to pretend that pay is not part of this; it absolutely is, but it is not the whole thing. The particular managerial problem that I would pick out

is that it is very hard to promote people who are really good and it is very hard to get rid of people who are really bad. You have the status within the professions, the labour market rigidity in these professions is not organised with the citizen principally in mind. It is like most public services organised principally with the providers in mind. So you have serious problems there.

Q53 Chairman: You said the integration of people's jobs is one of the true aspects to success. Have you made any observation where departments are merging to provide children's services? Very often it is the education directors that are becoming the dominant people getting those posts. That is perhaps not surprising given education is the most dominant public service at a local level.

Mr Collins: I think that is right. That is what has happened. I think if any of the sectors has to dominate it is probably the right one. The reason I say that is because it consorts with the evidence. If we think of *Every Child Matters* as more than just a response to the Climbié Report, but it is also about doing the best of all for least well off children, then there is a lot of evidence now that the right kind of education in the early years can make a very significant difference. The right kind of education is a begging phrase. It is absolutely critical. There is a lot of evidence that says if you simply cover across universally, if the quality of what you offer is not very good then it may have a negative impact. In order to do something which is useful which improves the life chances of children it is very expensive. It does mean that we are going from a situation of simply caring or looking after or keeping control of children during working hours to one where we are educating children. That shift will inevitably mean that the educational aspects of the professions are paramount and it will cause problems—it already is doing—where services are being integrated between the different rivalrous groups.

Q54 Jonathan Shaw: What do you think we need to keep an eye on when we are looking at speaking to the minister and plotting the progress from what is, I think, universally agreed to be an ambitious programme?

Mr Collins: I think the workforce issues are principal. They are absolutely crucial because the profession will rarely candidly confess that it is going to have trouble integrating, but it will. It is a major reason they do not talk to one another. There are serious gaps in the market for provision at the moment. It is not at all clear how we are going to fill those in. There is no particular ideological problem here. Nobody has a real ideological problem in its provision in healthcare. In fact, the Chancellor at a seminar at the Treasury recently on this, where he contrasted this market with the healthcare system where he said he does have an ideological problem with a major extension of private provision, but that is not the case here. That market provision is extremely patchy. One of the reasons, to my mind, is the funding mechanism. I think another thing which

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is worth considering as we go through this process is whether the childcare tax credit, which is the main channel for funding, is fit for purpose for a large expansion of supply, especially in areas which are not very well off. The main reason you do not get sustainable provision is the money just is not there. As the funding is on the demand side it is just not worth it for lots of providers to offer a durable service. There is a consensus pretty much I think in the field that funding it through a component of the childcare tax credit is deeply problematic, so I think that is something to probe. One other thing: I think relations with schools, the role of local education authorities will prove to be, again, interesting and problematic. It is not at all clear yet what the role of LEAs will be in this as in lots of other areas. It may be that LEAs that are imaginative become deal brokers essentially, assembling packages of education, taking money from different sources, but we have not aligned what is expected of them in this Bill with the PSA targets, for example. There are all sorts of peculiarities in what we are asking LEAs to do. I do not think they have yet responded particularly well to a change of role.

Q55 Jonathan Shaw: What about research? What priority would you attach to research? Which particular aspects do you think the Committee should be looking at or ensuring the Government are carrying out on their behalf, in seeing that this ambitious programme is fit for purpose?

Mr Collins: As I am sure you know the Government has its own evaluations running on some aspects of its Early Years programme. One thing which has come out of the research which I think will be worth following up, is the next question of whether these things ought to be organised nationally or locally. That came out in the early evaluation of SureStart where it showed that a mere 26% of SureStart initiatives had demonstrably positive outcomes on children. What the accompanying literature showed was that SureStart did not exist as a single thing. There had been enormous local discretion on what people did with SureStart money. People followed a hunch locally and they had done what they thought was needed in their area, which generally speaking I applaud as an approach to things. It turns out that the bulk of them did things that made no difference at all. It was at best a placebo effect in most cases. In 26% of cases there was a very good effect which is a remarkably successful venture when you talk about the most difficult to reach, but one conclusion that could be drawn from that is what you need is a bit more centralisation. You need somebody to come in and say: these things seem to work, what you need to do is that. What it points out is that our mechanisms for sharing best practice in the public sector generally and in this area particularly are very poor. It is not just we do not share information well; it is that when things work in one place it takes forever.

Q56 Jonathan Shaw: That is also culture, that people would not go out and look for things that are working well. They plod on and think what I am

doing here is fine because to do that would be to somehow admit that you are not providing a very good service. This comes back to your provider service.

Mr Collins: There is precious little incentive to go out and seek.

Q57 Jonathan Shaw: They do if they are forced to. That is the way we work. You are forced to or you plod on?

Mr Collins: There is a very interesting study at the Mackenzie US Retail Centre in which they pointed out that a novelty becomes standard practice within 14 months. If you do something interesting I will be doing it in 14 months even if I am the most unimaginative provider in the sector. I wonder what a comparable period in the public sector is.

Q58 Chairman: Is not the fact that in terms of SureStart there was a vague departmental remit and the problem we had when we were looking at this was there was a queue of people wanting to get a SureStart programme going and a commitment with the Government rolling them out. The problem was they were analysing what they were going to do, comparing it with what other people were going to do and getting that right. So the department's fingerprints were all over these SureStart programmes. How did they all go off at tangents and not deliver?

Mr Collins: To a large extent than is normal the variations in what people did within their SureStart programmes was really quite marked. In a sense, it is an inadvertent exercise in localism and not all of it worked. I do not want to sound like I am too harsh on that because part of the way of getting things to work is through trying things and they do not work. I am not saying that that was, therefore, a terrible failure, as long as there is some mechanism which by the good spreads through. That is what worries me, if the 26% will be mimicked and copied by the rest all to the good.

Q59 Chairman: Phil, is this a social market foundation line that you are giving? You sound very pessimistic. First of all you were very pessimistic when you were answering questions to Jonathan and I about multi-discipline approaches, that people could get rid of that tradition and work together as multi-disciplinary teams, co-located, all the excitement of the Children Act, if you like. You seem to pour cold water on it thinking it is never going to happen because these people are traditional human beings working in silos and they are never going to get out of them.

Mr Collins: I do not quite think that, but I do think if you are thinking about where might it go wrong, where will the problems be, I think there will be intractable difficulties. I am not really pessimistic actually. In fact I think the progress in this area over the last 10 years has been remarkable. We have to remember we do not have to go back very far to look at the Early Years terrain and then there was nothing. There was nothing there at all, so the folk memory of policy is pretty short. It is a pretty

remarkable transformation. The commitment to the next phase of policy I think is sincere and will follow. It is going to be extremely costly, but the big problem—the problem which in a sense insofar as this is a question about pulling levers in government I will be optimistic about—is not mostly a question about pulling levers in government, it is trying to get a profession to alter its way of behaving and that is really difficult. If I am pessimistic it is simply a reflection of how difficult it is to get cultures to shift. I think that point needs to be stressed. Very often, I did it before, people make an easy translation from something that happens in a private market, something that happens in a public sector. I am sure we ought to recognise that they are not the same things in the end because the incentives are different. The problems that we encounter in some of these communities are really extremely difficult. It would be like saying to a business: go and take the most difficult customers who have the least money and then sell them a very high quality good. They will say: I am not going to do that. I will go over there and sell to it somebody who has more money. We have to remember that we are trying to do something here which is extremely hard. Therefore, if I sound pessimistic about our capacity for success it is not because I am just being gloomy, it is just recognition that this is a really tough thing to achieve.

Q60 Chairman: How do you compare the SureStart success or lack of success with the work that has been mentioned only in the last few days, work in Oxford showing even a short time in pre-school, in a nursery? The evidence there is showing that is a very good investment because even a short time in pre-school raises the educational achievement of a child.

Mr Collins: That is right. The evidence to my mind is overwhelming. We are starting to gather a body of evidence in the UK that confirms the evidence that we have from Denmark, Sweden and the United States where there are a number of projects, the Head Start project, but plenty of others too, which show that a year of good pre-school is immensely valuable to children and has a disproportionate effect on children of lower socio-economic status. That evidence is really suggestive and telling. I just emphasise something I said before—and this is true of Kathy Sylva's work too—you have to stress the quality of that provision is absolutely crucial. It is not enough. There are two separate objectives here. One will be to ease access of women into the labour market. The second will be to improve the cognitive development of children. They are complimentary up to a point but they are not the same. You could get more women into work if you had a thin coverage, just had somewhere for children to go that would meet your labour market objective. If you want to really get to the cognitive development of children then you have to attend to the quality of the provision. Crucially what that means is the quality of your staff. It brings us back to the point about people. You have to have a workforce which is properly trained and qualified, that means properly remunerated and we are miles away from that now, absolutely miles away.

Q61 Chairman: We are not talking about that so much in the other provision for social workers, people working with children in hospitals. There are reasonably well-remunerated people working with children in some of these silos. Is that not the case?

Philip Collins: In some. My own view is that they are not well remunerated enough and that the vacancy rates are evidence of that. We are struggling to recruit in most of these areas and we are certainly struggling to retain people. As I said before, that is partly to do with levels of pay. I do not think we can duck this, but we are not talking simply about plugging the gaps which currently exist. The sort of thing that we are working on implies quite a major extension of the workforce and improvement in its skills. For example, in New Zealand there is a very good example of a country that has made a major transformation in its early years services. The Government set itself a target by 2012 having a fully graduate level workforce, not necessarily graduates, that is an important thing to come back to, but graduate level workforce. It recognised that until you have that standard of provider then you are not going to get the benefits to your pound invested earlier on than you would otherwise.

Chairman: Could we hold that for a moment. Paul.

Q62 Paul Holmes: Just on that, talking about resources and the roll out of the programme everywhere, if *Every Child Matters* then it should be of benefit to every child. SureStart is very much lauded for its success and quite rightly but it is targeted on the poorest percentage of children who most need it. Even with that targeting, 40% of the children who would qualify do not get it because they live in areas where there is a more thinly scattered population. If we are going to extend under *Every Child Matters* these benefits out to everybody what are the resource implications? Is the Government committing itself in reality to extending it to everybody or is it still a very, very rationed process?

Philip Collins: It is a very incremental process and it has to be. I think it would be fairly fantastic to demand of Government that they do this in one big step. It is inconceivable because the short answer to your question is: if you were to extend what I think you need to every child you are talking about something in the order of £15 billion. It is a colossal amount of money. You need to think about the steps to get there. It is something like a 10 or 20 year answer. In order to provide the standard of provision that I am talking about that is consistent with the data on good returns, to provide 12 months' paid parental leave, which is again crucial because prior to that age all the evidence tells us is that if a parent can spend the first year with their child this has enormous benefits to the child. Of course, that is not available to most people who cannot afford six months unpaid. Then that second year between one and two, in Finland you probably saw they have a home care allowance which essentially allows the parent, if they wish, to extend that contact with the child.

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Q63 Chairman: It is controversial.

Mr Collins: It is. My own view is that that would be a good idea. To do that package of things you are looking at a shift in GDP spent on this area from currently about 0.8% to something like 2.7%. It is very large. It is worth then asking what would we stop doing? We modelled all these questions and it depends crucially on what you perceive to be the benefits. The benefits follow five, 10 years hence. PWC did some work for us when we modelled that scenario and we asked them what they thought would be the balance of costs and benefits. They came through, not to our surprise but to our delight, to say the benefits would outweigh the costs to the tune of something like 2% of GDP over time, 700,000 jobs created, and so on. We have all the details. You have to take a leap of faith, in a sense, that in due course those benefits would outweigh the cost.

Q64 Chairman: This is your graduate profession?

Philip Collins: Not alone. That is not the only thing. In the work we did we modelled a number of different scenarios, but one to which the figures I just quoted refer included an all graduate profession, a home care allowance between one and two, and paid parental leave for 12 months. We added the costs of those together and then we computed benefit and even on a relatively cautious set of assumptions there are returns on it which you can imagine is plausible. Indeed, the returns on that earlier expenditure are good. It must feed through in some sense to reduce welfare bills and reduce crime bills.

Q65 Paul Holmes: You say the benefits are very great so it is worth doing, but you are also saying therefore we need to decide what we stop doing. Do you rule out the idea of a greater tax break, since we are in the bottom third of Europe whereas Finland is way above the top of the league.

Philip Collins: No, I was not ruling that out, but in order as a think tank if you come out and say, "Let us have £20 billion more money", in a way it is a really easy thing to do and not very helpful for ministers. What we try to do is set ourselves a much tougher question which is to say: let us try and work out how public expenditure will be organised if it is consistent with the data on the return on every pound. We set ourselves that question artificially. Of course, another way of doing it would be to argue for tax increases. What we tried to do was essentially we took two graphs, one of which was the work with James Heckman, the Nobel economist, who showed that the return on a pound spent at age nought significantly outweighs that at age 15. If we look at the current pattern of public expenditure according to the life cycle, we discover, you will not be surprised, that it is organised in exactly the opposite way, it really bulges from about 13 onwards when we spend very little early on. We thought one interesting thing would be to see what we would have to do to make those two graphs run together, so that just purely on efficiency grounds that would make sense. That was just the artificial task we set ourselves in a way, but it does pose interesting questions. It does

get you thinking about second chance training schemes, for example. There is precious little evidence that Government training schemes have any great return. Subsidised employment does, if you subsidise employers to take people on. This is confirmed in the New Deal evaluation. The subsidised employment part of New Deal has a very good return and is successful, whereas those people who took up training options it seems to have had zero impact on their employability return, that sort of thing, where we might start to look at what we do not do as well as what we do more of.

Q66 Paul Holmes: Did you model at all how far with an increasing ageing population and a decline in the number of children how far you could meet the gap by keeping spending at current levels over the years and, therefore, having more available per child?

Mr Collins: We did not specifically, no, but it is a very good question. The one person who has done a lot of work on that is a Swedish man who has essentially pioneered the view that the burden and risk in a welfare society is shifting from men to women. The crucial people will be women. He points out that across all societies across time women have said they wanted 2.2 children, actually over most of Europe they are having significantly fewer than that now. The pressures on them are really quite intense. The one exception to this is in Denmark where they are having just about the number of children they say they would like to have. He attributes that to their universal childcare provision which over 30 years has filled in the gap. The presence of women in the Danish labour market is better than other places. It also gives them the flexibility through childcare to have the children they want. It is a crucially interesting question. It is not something we have included specifically in our work.

Q67 Mr Pollard: If you look at the commitment in ECM policy involving children in the decision making, how do you best do that?

Philip Collins: It is very difficult I think.

Q68 Jonathan Shaw: Go on. Be positive for a change.

Mr Collins: I think what is quite useful to do as this goes by is to think what the difficult questions would be. Involving children: when you say certain children want to be involved for a start, the best involvement of children is to provide really good quality services to them. The model of involvement we always work with is one where we have some form of committee or consultation process which people have to sit on. In defiance of all the evidence people do not want to do that. One of the reasons I think is that the welfare state generally has produced more benefits to the middle classes. The working class is precisely this model of involvement because the consumer voice has been monopolised by the articulate middle class. It depends what you want. If you think the trickle down theory of people's voices and the articulate people will make the service better for everyone by making their voice heard, that might be fine. What I would want would be extensive

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involvement with as many people as possible so that the service can be responsive to them. Then you really want everyone else to be involved. Across all public services it has proved to be quite easy to get some social groups involved in public services and much more difficult for the lower socio-economic groups. I will be positive though. One of the big successes of SureStart was that it managed this. People said prior to that it could not be done, we have given up, we cannot reach these groups. SureStart did it and they did it by going out and knocking on doors essentially. Outreach work was the answer. They got people involved which all the evidence and all the doom sayers said you could not do. The positive answer is that it can be done, but it is expensive because you cannot sit and wait for the people to come. You have to go to them. It is very labour intensive. I do not think at the moment that hard pressed workers in the system have the capacity to do it. Again, most of my answers require extra money, which I think inevitably is a requirement in this area.

Q69 Chairman: Can it not be done on the cheap through the voluntary sector?

Mr Collins: No, not entirely. Of course, the voluntary sector has a big role to play in it, but I do not think it can be done on the cheap with them, no. Again, I do not think there is capacity to do what needs to be done. You can make it better than it currently is by just using the voluntary sector, but if we are looking at real serious advance it is going to need some serious resources.

Q70 Chairman: Some of us who remember the miners strike know that families and especially the wives of miners suddenly became articulate and very active in the community which had not been the same way as before. Research that has been done on that showed what a transformational experience it was.

Mr Collins: Yes, but go through all the public services and just jot down everything that the Government wants you to do, to be involved in and you have no time for any work or anything like that. You are doing nothing other than being an active citizen. It is inconceivable that people can do all this stuff. It is the old Oscar Wilde line: "Socialism will never happen", and so on. The Government is asking us to do so much. The idea of co-production will require even more of us. What we know about this is that people do get involved when it is deeply important to them and where they know they can have a genuine impact. I think there is loads of scope for citizen involvement in the provision of local services.

Q71 Chairman: How does that square with declining numbers of people participating in the electoral process or indeed local parties or action?

Mr Collins: I am more optimistic on this because I think that if you try and put up a phone mast near someone's house and see whether they are politically apathetic or not—

Chairman: —or build an incinerator.

Mr Collins: Yes, quite.—I do not think that politically activity has disappeared; it has just moved. People have moved into areas where they know they can make a genuine impact. Therefore, what we need to do is provide a genuine voice to them where they have some sort of impact on the service. That is going to require some sort of partnership with them and the professionals, which again the professionals will not yield very easily.

Q72 Chairman: Phillip, you can get parents involved in broader action outside their narrow confines of earning a living and keeping lots of things going to support the family. The one time you could get an outlet is when the children are in education, particularly early education. This is the opportunity of the Children Act, is it not, that that kind of relationship between the professionals, if they can come out of it, be teased out of their silos, and parents and other members of the community could be quite transformational?

Mr Collins: Yes, it can. There is an opportunity. Again, SureStart gives us some little evidence on this because the effect on mothers is as stark in some cases as the effect on their children. The confidence generated by involvement in the process and employability rates, for example, of mothers after involvement in SureStart is really quite interesting. So there are clear benefits here.

Q73 Paul Holmes: Just backtracking slightly to one of the earlier comments on this particular bit: are you being slightly cynical or realistic about all the talk on getting young people involved in taking decisions on this sort of thing is paying lip service? You seem to be implying it was not really very effective.

Mr Collins: I think it is paying lip service. It could be effective. I am not saying it is inconceivable to design it so that it is effective, but in order to be effective people have to have a genuine authority. Their voice has to have some sanction attached to it. One way to attach sanctions to someone is to give them the right to exit a service if they do not like it, if it does not do what they want and give them the right to go somewhere else, normally known as choice. The other way is you give them some voice. If all you give them is a talking shop and in the end then their voice is not heard, it is not made effective, then that leads them to become cynical. I do not see at the moment that we have the mechanisms by which people's views feed through into the way the service is provided. It is perfectly possible to do it, but it involves a new relationship between citizen and professional as well.

Q74 Chairman: Voice not choice: a nice slogan. Sorry to tease you out on this particular area of inquiry, but are you modelling the impact, say, of a deprived community where 11 to 16 education is struggling in the light of the impact of specialist schools? Are we talking about a lot of money?

Mr Collins: Yes, we are. That is the next stage of the work because there is a danger we think that there is great promise in the Early Years work. I am a bit of

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an evangelist for it. I think it can make an enormous difference, but there is a danger that if we think we get the Early Years provision right, then that is somehow done. People are kind of inoculated against failure later on, and that is not true. The academic community knows a bit about the way in which those gains start to fade—not very much—but it is starting to become a major topic of study about once you have had a boost from an extra year of education, when does it start to fade and what can you do later in life to try and ensure those gains are retained? That is where we are moving on to now. I do not know the answer to my own question. I do not think anybody has quite asked the question as precisely as that which is how would you organise comprehensive product services from 11 onwards which are specifically designed to try and retain the gains you had earlier? It is a return to the question of what would you stop doing. I do not know the answer, but it is something which we are actively thinking about.

Q75 Chairman: Just to take you back to SureStart. This is fascinating to us because it is a joined-up service and there is some inspiration at the moment here. Perhaps it is in SureStart; you said some reasonably positive things there. How much of the analysis of what does work has been written up and now is available to other SureStart programmes or other Government departments?

Mr Collins: It is written up and it is in principle available to them if they go to the website where the FE work is written up. How many of them do in fact do that? I rather suspect it is a small number. There is no mechanism, as far as I know, for spreading that around, but the first evaluation has been written up and published and so that is there and available. There is a very important question how we get really good ideas spread through. The number of people employed in local authorities, for example, just to be spies on other local authorities is very small. Keeping an eye on what the others are doing is a very crucial part of any provision of any good.

Q76 Chairman: It happened with football teams.

Mr Collins: Absolutely: scouting. Why do we not have scouts in a local authority or just keeping an eye on it?

Q77 Chairman: Phil, we are running out of time in this committee room. We have three minutes. Is there anything you wanted to tell the Committee in three precious minutes that it is right at the beginning of totally new territory for us in terms of looking at this area? What else? What words of guidance and navigational drives?

Mr Collins: I think that to counteract the sense in which I have been deeply pessimistic, it is worth keeping in mind all the while that this is not just about scandal-led policy. This is not just an area which is an attempt to avoid terrible things happening. The promise of this is really quite serious. For a long time, particularly the political

Left has thought that social mobility and life chances could really be altered by policy from 11 onwards. The main hope is in comprehensive schooling. I think that it has shifted really to the thought that actually, no, it is not there because most of the formative influences are then settled and it is much earlier. I am really quite optimistic that this could be very serious, but it has to be done right because we do not know a lot about this. The political pressures will always be for the resources to be reduced because it is incredibly hard to find them and for different interests to be traded off. I always plead for clarity. There are many reasons why you might do an Early Years policy. One of them might be that you want lots more women into the labour market; a very laudable aim in itself but it is not the same aim as improving the cognitive development of children. Different outcomes lead to different policies. I just ask people to be clear about what it is they are looking for. Our objective has been to try and find what is the benefit for children, that leads you to a series of conclusions which would be alarming to the Exchequer and also involve relationships between citizens and providers and between different professions which are really quite revolutionary which they will find very difficult. Whenever any profession comes in and minimises the difficulties they think they will face in integrating themselves into the new world then I get extremely sceptical.

Q78 Chairman: Thank you then. The Sutton Trust gave evidence to this Committee about social mobility commissioned by the London School of Economics. What is your view on that? Has social mobility declined in recent years compared to the 1950s and 1960s or is that suspect research?

Philip Collins: No, it is true, but the thing that has happened in the 20th century is that absolute social mobility has increased, ie there are more lawyers, there are more accountants, and there are more middle class people. There are much more ex-working class lawyers than there were in 1900. However, your chances of going from social class five to social class one: the odds ratio is exactly the same. Absolutely, yes, it has increased. Relatively it has not increased at all. The principal driver of that social mobility is in changes to the labour market. Insofar as you can separate them it has not been Government policy in the labour market changing. The big question that comes out of the LSE work is: is that growth in the service sector of the labour market itself slowing down? If it is, then you would expect that growth to slow. That is the big question. It connects with this argument because I think the work from Scandinavia, which is by the way the most socially mobile country in the world, Sweden, would suggest that universal childcare is, of all government policies, probably the most important if that is your objective.

Q79 Chairman: Phillip, thank you very much for your time and we have had a great deal of stimulation from your evidence. We hope to see you again.

Monday 13 December 2004

Members present:

Mr Barry Sheerman, in the Chair

Valerie Davey
Mr Nick Gibb
Paul Holmes

Helen Jones
Mr Kerry Pollard
Jonathan Shaw

Memorandum submitted by the Audit Commission

EXECUTIVE SUMMARY

1. The Audit Commission welcomes the focus of the Committee and is pleased to submit evidence to this inquiry. The proposals as set out in the Green Paper, and further developed in the Children Bill 2004, introduce a number of significant changes which are aimed at improving outcomes for children and young people. The Bill presents an opportunity for local public and voluntary sector providers and commissioners to make a real difference to children's lives.

2. We do, however, also note that there are considerable risks involved in implementing the proposed legislation which will need to be carefully managed to focus on outcomes rather than processes in order to assure the well-being of children and young people and deliver the new requirements fully.

3. There have been some notable achievements in recent years through bringing together individual education, social and health services, such as mental and physical health advice and counselling services for pupils in schools. Much more could be achieved by further service integration in different areas. However, there are significant governance, cultural and resourcing differences between these three sectors which can pose obstacles to integration. These are practical implications on further integration which needs to be overcome—risks need to be reviewed and addressed and autonomy must be balanced with ensuring robust public accountability and scrutiny.

4. The regulatory framework must be strategic, targeted and proportional. We acknowledge that inspectorates, including the Audit Commission, have made much progress in developing a new methodology which is intended to replace a raft of existing inspections. We believe it is right that it should be as integrated as possible with the arrangements for corporate assessment over the next few years. It is essential that new arrangements should be subjected to early evaluation to ensure that the benefits of the processes are commensurate with their costs and the burdens placed on local councils and their partners.

5. The Audit Commission strongly believes in active involvement of service users including children and young people. We have made user focus and diversity key strategic objectives for its audit and inspection work, both in ensuring that audited bodies are engaging fully with users and that our own work mirrors this. The fitness for purpose diagnostic that we have developed challenges local bodies to show how effectively they have involved users, including families and carers, and how local communities are being involved.

BACKGROUND

6. The Audit Commission welcomes the opportunity to make a submission to the Select Committee on this important new legislation. The proposals as set out in the Green Paper, and further developed in the Children Bill 2004, introduce a number of positive changes which will help improve outcomes for children and young people. The Bill presents an opportunity for local public and voluntary sector providers and commissioners to make a real difference to children's lives, through focusing on outcomes rather than services, and to do this in partnership with children, young people, their families and carers and local communities.

7. We do, however, also note that there are considerable risks involved in implementing the proposed legislation which will need to be carefully managed in order to assure the well being of children and young people and deliver the new requirements fully. Children's services in education and social care alone make up about 70–75% of upper tier authorities' expenditure, making the change a legitimate concern to auditors for their financial impact alone. The Act also introduces significant organisational, staffing and cultural changes, which pose their own associated challenges to local authorities and their partners in health, criminal justice, and the voluntary sector. The proposed move to increased partnership working, while commendable, generally takes time to set up as organisations and individuals change their working practices. New structures for accountability and governance will need to be developed to deliver the new agenda which will need careful thinking through and time to bed down. There will also be a number of areas where administrative processes and systems will need to be changed. These include financial management

and controls, employment contracts, service procurement, and information sharing arrangements. We see most of these changes as posing a high risk in most children's services authorities. The Green Paper, and subsequent Bill, addresses a wide and complex agenda, and introduce an ambitious programme for change.

8. The Audit Commission is strongly committed to the development of proportionate and strategic regulation, which revolves around four key principles: focusing on users and diverse communities; improving services; improving organisational governance and capacity, and working in partnership with other regulators.

9. All four of these principles are highly relevant to the Children Bill proposals. The proposals for joint regulation made in the Bill are being developed by a steering group with representation from all 10 relevant inspectorates¹, including the Audit Commission. We are working with our colleagues to help deliver a methodology for regulation of children's services which is strategic and proportionate to risk and does not develop into a check list approach to compliance. We have made strenuous efforts to seek to align, and as far as possible integrate, the methodology to our Corporate Assessment. The Bill's commitment to involving service users and addressing diverse local needs is supported through the Joint Area Review Framework which will involve users and lay youth inspectors.

10. Our commitment to service improvement is consistent with the aim of the Children Bill to ensure that children's life quality improves through the work undertaken to deliver the five outcomes. We have worked with local authorities and other public sector bodies to develop their user focus over the last few years, and to ensure that services meet user needs. We have also developed our work in relation to diversity, and have supported different audited bodies in their journey to race equality and meeting diverse needs within their local areas. Both user focus and diversity are now addressed through corporate assessment as part of the comprehensive performance assessment (CPA) and are seen as part of the community leadership role of local authorities.

11. Governance and capacity assessment of local authorities is undertaken through corporate assessment, and the Audit Commission has developed longstanding expertise in these areas, which are included within the new inspection block for children's and young people's services. As the new arrangements for children's service will account for a significant part of upper tier local authorities' services and budgets, and a substantial part of lower tier councils, the effectiveness of governance arrangements for overseeing children's services will have a large impact on the overall performance of each council.

12. Partnership working at service provider level is a clear expectation of the implementation of the Children Bill. Similarly inspection and regulation is required to be undertaken in partnership. The joint inspectorate group has made much progress in devising an approach to joint inspection but much detail of how assessments will be undertaken has inevitably yet to be finalised. Early evaluation of both the JAR and the way in which it works alongside the corporate assessment is necessary to ensure that it is both commensurate to need and can demonstrate that benefits outweigh costs

THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION SERVICES WITHIN INTEGRATED SERVICES

13. Each of these has a critical contribution to make to the well-being of children and young people. There is great potential benefit to be gained by bringing services together, where there is clear evidence that this will improve outcomes for children and young people, and where there may be increased effectiveness and quality as a result. There have been some notable achievements in recent years through bringing together individual services, such as mental and physical health advice and counselling services for pupils. Much more might be achieved by further service integration in different areas.

14. However, there are significant differences between these three sectors which can pose obstacles to integration. There are large cultural differences between the professions and employing organisations. These can affect the way that issues and individual children, young people and families are approached, and how their problems or concerns may be perceived, which can make joint working challenging. Each profession has a different set of legislative and professional drivers, which can work against other sectors rather than supporting collaboration. This can be the case at individual practitioner level; difference is also embodied in the different government set performance frameworks each sector works to, and can be reinforced by the different professional languages used by each.

15. The governance arrangements for each sector are different. Local government and health agencies are accountable to different bodies, one democratically elected, the other not, which can pose challenges in terms of accountability and perceived legitimacy in relation to joint working. In addition, health and education are both delivered by independent practitioners (GPs) and organisations (schools). Either of these may legitimately work to different objectives to those of local authorities and Primary Care Trusts, introducing additional challenges to co-ordination and to a common accountability framework. The absence of explicit references to schools' responsibilities in the legislation and regulations may be an impediment.

¹ These include Ofsted, the Healthcare Commission, the Commission for Social Care Inspection, HM Inspectorate of Constabulary, Adult Learning Inspectorate, HM Inspector of Prisons, HM Inspectorate of Probation, HM Magistrates' Courts Service Inspectorate and HM Crown Prosecution Service Inspectorate.

16. The Children Bill seeks to overcome some of these differences by focusing on children's and young people's needs and on how their lives can be improved. At a strategic level, most public sector bodies also understand and support the need for more integration. Achieving an integrated and co-ordinated model of for planning and delivery will however take time while different organisations learn about each others' ways of working and adopt new approaches that support integration.

17. The lack of specificity on governance arrangements for children's trusts reflects an opportunity to accommodate local circumstances but does carry with it risks associated with a variation of approach, practices, systems, participation, competences and accountabilities.

18. As well as the three sectors noted by the Select Committee, other agencies also make a significant contribution to improving children and young people's lives, which will also need to be included in joint working. These are classified as relevant partners with a duty to co-operate in the draft legislation. Police and the criminal justice system, in particular probation and the Children and Family Court Advisory and Support Service (CAFCASS), as well as Youth Offending Teams (YOTS), are all major players in helping children and young people be safe and achieve their potential. The voluntary sector is another important provider of services to young people and children, often reaching groups that others do not. Other parts of the voluntary sector play a vital role as representatives of young people and children, their families and their communities. While the voluntary sector is not classified as a relevant partner for the purposes of the Bill, the draft legislation makes a specific reference to the involvement of the voluntary and community sector in partnership work.

THE PRACTICAL IMPLICATIONS OF THE DUTY TO CO-OPERATE

19. The Audit Commission welcomes the duty to co-operate within the legislation. Without a strong commitment to partnership and co-operative working it will be difficult to deliver the five outcomes which rely on the co-ordinated input of several or all local agencies. Building a duty to co-operate into the legislation will underpin stronger partnership arrangements between agencies, and encourage closer working. More explicit references should be made to schools.

20. As partners focus on how they can make a difference to children and young people, there will be the opportunity to review service design and impact so that resources are more closely focused on delivering outcomes and increasing value for money. Pooling and aligning budgets can provide a route to better use of resources to deliver shared objectives. However, there are many practical issues which can get in the way of budget pooling. Different sectors work to different accounting arrangements eg requirements to pay VAT, charging arrangements, and have different budgetary cycles. Pooling budgets when the each partner organisation is working to a different set of objectives can also lead to reluctance to commit funds if these cannot then be used for other purposes should priorities change. The experience of many local authorities and NHS bodies, as well as our own experience as auditors, has shown that pooling budgets often poses a range of challenges that can be extremely time consuming to resolve. Partners need to be very clear about the added value of budget pooling, and their individual and joint commitment to the work before taking this route.

21. Aligning budgets may be a simpler way forward, which requires less work and formalisation, but is then subject to uncertainty should organisations decide to withdraw funding to meet other priorities.

22. Committing resources to a pooled or aligned budget requires considerable trust between organisations that agendas are truly shared and an understanding of the common outcomes sought.

23. Our recent report on education funding as it relates to schools and local councils (and which highlighted the absence of suitable mechanisms for challenge and accountability and accurate reporting currently in place) emphasises the very great need to ensure that there is at an early stage of development a clear expectation that autonomy will be counterbalanced by robust accountability for resource management and delivery of value for money.

24. The Children Bill's proposals for co-location of services and staff cover a range of different models. As with pooling budgets, co-location may often be productive, but each case will need to be considered on its own merits in terms of how it will improve local services and have an impact on improving outcomes for children and young people. While extended schools may well offer a rich opportunity for local children and young people, local services will need to be relevant to local needs and resources.

25. Many areas have already begun the co-location of staff, although not always in a school setting. For instance, joint commissioning teams are well-established in many local authorities with health involvement, and other joint posts exist in a variety of functions between health, social care, criminal justice and education. These co-located teams have been established both to improve services and access to service users, and also to improve and develop co-operative working between professional and organisation groups eg social work and primary care.

LISTENING TO CHILDREN

26. Listening to children and ensuring that they are actively involved in stating their needs and in setting service objectives is central to the implementation of the new legislation. The Audit Commission has made user focus and diversity a key strategic objective for its audit and inspection work, both in ensuring that audited bodies are engaging fully with users and that our own work mirrors this. The fitness for purpose diagnostic that we have developed (see below) challenges local bodies to show how effectively they have involved users, including families and carers, and how local communities are being involved.

27. The Children Bill's focus on involving children and young people and ensuring that services meet their needs also brings with it an expectation that the different needs of different groups will be identified and ways of meeting those needs found. The diversity of groups whose different needs should be met include those identified as vulnerable eg looked after children with learning difficulties and disabilities, asylum seekers, but also children from different ethnic and faith groups. We would encourage local authorities and their partners to ensure that their consultation and needs assessment work fully addresses the range of diverse needs within their local area.

28. The draft joint framework for inspection (see below on inspection) sets out how children and young people will be routinely involved in Joint Area Reviews. This will be through web based surveys, the involvement of young people as lay inspectors, and through challenging local authorities to show how they have engaged with children, young people, their carers and families in the course of their planning and review work.

INSPECTION

29. The Audit Commission welcomes the inclusion of the requirement for a joint framework for inspection in the draft legislation. Introducing a joint approach has the potential to strengthen the quality of inspections, as well as ensuring that they are well integrated with related inspection methodologies. The Joint Inspection Group, which is developing the joint framework and methodology for Joint Area Reviews, has members from all 10 relevant inspectorates, led by Ofsted. The Audit Commission is a member of this steering group.

30. The purpose of the joint framework is to ensure that relevant inspections "properly evaluate and report on the extent to which services improve the well-being of children and young people". The Framework provides a means of organising coherent evaluation of service contributions to outcomes for children and ensuring that information can be brought together in a joint review of services in a children's service authority area.

31. The Commission for Social Care Inspection has developed a system for the annual performance assessment of council social care services which feeds into the CPA; this system is now the responsibility of CSCI. Information on the education element of the CPA has been provided through a mix of performance indicators and inspection judgements made by Ofsted, working with the Audit Commission. At the same time, the DfES, through its advisers, has carried out an informal annual stock take of education services.

32. The Framework seeks to bring these systems together and connects them with joint area reviews so as to create a unified and efficient approach. The annual assessment rating will directly inform the children and young people service block in the redesigned CPA for 2005 onwards.

33. It is intended that performance assessment and joint area reviews will be connected and complementary processes designed to secure coherence and efficiency in monitoring and evaluating performance. Annual performance assessment will play a key role in determining the aspects which will be covered in a joint area review. The findings of a joint area review (JAR) will, in turn, be followed up in the annual performance assessment.

34. Although the JAR is intended to replace a raft of existing inspections, it still is a significant assessment for local authorities. We have been planning on the basis of it happening jointly with the corporate assessment programme. Its success however will crucially depend on it being as integrated in a number of key aspects with the coverage of the corporate assessment and in reporting at the strategic level. Councils and their partners will be required to work with the National Standards Framework for children, young people's and maternity services (Department of Health) as well as the National Outcomes Framework which is shortly to be rolled out by the DfES. We need to guard against the JAR and annual performance assessment becoming a tick box compliance exercise and rather focus on major drivers or omissions which contribute to the quality of outcomes for children and young people in an area.

LINKS WITH THE COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA)

35. Integrated performance assessment of council education and social care functions will feed into the CPA. The findings of the joint area review as far as they apply to council services will largely comprise the annual assessment in the year in which the review takes place.

36. The findings of assessments and joint area reviews will link with the CPA in the following ways:

- from November 2005, performance assessments and joint area reviews will provide the CPA judgements on the service block for children and young people, as well as contributing where appropriate to the Audit Commission's corporate assessment; and
- the scheduling of joint area reviews should reflect the immediate needs in relation to children's services while ensuring the best use of inspection resources and minimum disruption to councils' work.

37. Corporate assessments and joint area reviews are planned to run concurrently. This should help to ensure that the outcomes for children and young people are central to the corporate assessment of local councils. It will also enable coverage of aspects of management and governance in joint area reviews and the corporate assessment to be co-ordinated to ensure inspection activity is not duplicated, criteria are consistent and documentation called upon is the same. It will be critical to the success of the manageability of the process to achieve as much integration as possible and that there is a demonstrable impact on reducing the inspection burdens carried by local authorities.

38. Much progress has been made by inspectorates but at the time of completing this submission some key issues still await final resolution before consultation on the basis of joint programming can take place. The Audit Commission needs to be satisfied that joint running of the JAR and the corporate assessment will result in the benefits for councils which we are seeking. Key issues will be to ensure that the focus of the joint area review results in a sensible balance between strategic and operational enquiry; councils are able to have clarity about the joint timetable; and there must be an unambiguous definition of what will be the complementary coverage of the two assessments to avoid both burden and conflicting judgement.

AUDIT COMMISSION FITNESS FOR PURPOSE DIAGNOSTIC FOR CHILDREN'S SERVICES

39. We have responded to the need to help local authorities and others identify the risks of implementing the Children Bill by developing a fitness for purpose diagnostic to use with local authorities and their partners. The diagnostic provides an overview of progress by the local authority in implementing the requirements of the Children Bill and identifies the areas of risk which require action. It is designed to be used between autumn 2004–autumn 2007 to support local authorities and partners, and help them to reduce and manage risks.

40. We have responsibility to audit local authorities on their plans to implement the Children Bill because of the risks and challenges outlined above. In addition, our wide experience and commitment to cross cutting work, to value for money and probity, to service improvement. Our commitment to user focus and diversity enable us to offer an appropriate set of skills and experience to local authority and partners.

41. Throughout its development, we have ensured that the diagnostic is consistent with Comprehensive Performance Assessment (CPA), the proposed Joint Area Reviews (JAR) for children's services, and with the DfES Intelligence Gathering Matrix (to be used by the DfES Regional Change Advisers). Its structure takes account of the Intelligence Gathering Matrix, so that information gathered during its completion can inform the Regional Change Advisers' review of progress towards Children's Trusts. The Diagnostic has also taken into account the 25 aims set out by the Department for Education and Skills (DfES) in the National Outcomes Framework for the *Every Child Matters: Change for children programme*.

42. We are developing the diagnostic in partnership with the Local Government Association (LGA) and the Improvement and Development Agency (IdeA).

CONCLUSION

43. The Children Bill has the potential to make a significant contribution to improving children's and young people's lives, and we fully support the intent and requirements of the Bill. This legislation has opened up opportunities to transform the way that public and voluntary sector services work together. Most importantly, the legislation has a real commitment to putting children and young people at the heart of provision and has a focus on outcomes which will help break down current barriers to improvement. All of this is to be welcomed.

44. The Audit Commission's research into what makes public sector organisations excellent shows the importance of:

- strong ambition and local leadership;
- talented, innovative and empowered people;
- people who realise that often it is better to work with others.

45. Given the scope of the Bill, the scale of the changes required and the importance of the outcomes to children and young people, the Audit Commission is keen to support developments through a regulatory approach which aims to clarify issues and identify risks and is undertaken proportionately. We have drawn attention to the risks of the journey, the challenges of change and the governance and resource risks. Above all, we reiterate the importance in this period of change, of keeping the goal in sight: the improvements in outcomes for children and young people. The Audit Commission is committed to strategic and proportionate regulation. This will lead us to ask a higher order set of questions about the overall leadership,

performance, risk management and culture of the organisations we regulate and inspect. We look forward to working closely with other agencies to develop an integrated service for the well-being of children and young people.

APPENDIX 1

SUMMARY CONTENT OF THE AUDIT COMMISSION CHILDREN'S SERVICES DIAGNOSTIC

The diagnostic takes 11 areas of focus. It assesses them developmentally, against the overall framework and timescales of the Children Act requirements. Throughout the diagnostic there is a sustained challenge to local authorities to demonstrate how their proposals will have an impact on children's and young people's lives, and how they will engage service users. The areas of focus are set out below with a summary of their content:

Managing transition

Whether the local authority and partners have adequately resourced and established project management to deliver transition successfully; whether action has been taken to avoid or reduce risk of failure in key areas of delivery eg children's wellbeing and safety, finance, workforce, partnerships, as well as achieving the DfES timescales.

Local needs assessment

How effectively local authorities and partners have set up their needs assessment work; what the involvement of children, young people and their families and carers has been; involvement of other stakeholders and staff; robustness of data; methods of assessing gaps and underperformance.

Creating a shared strategic plan

Whether there is agreement with other partners and with children and young people, about what children's and young people's lives and experiences should look like locally; whether there has been a sustained focus on outcomes for children and young people which informs and shapes the plan, and an understanding as to how this will make a difference to young people and children.

Working in partnership

How effectively partnership governance has been set up and supported, and how effectively issues of cultural difference are addressed; membership of the board; how well the partnership board functions and members work together.

Governance and leadership

Whether there is clarity of leadership through the lead member, Director of Children's Services and partners; the involvement and support of other councillors; whether the partnership board has clear and agreed terms of reference and objectives; the extent to which the importance of children and young people's services is recognised and understood by stakeholders.

Accountability and decision making

Whether partnership roles, responsibilities and accountabilities are clearly defined and decision-making processes are appropriate and transparent; whether accountability for resources and services is clear.

Workforce development

Whether workforce planning and skills mapping is in hand, together with appropriate training to address skills gaps; whether terms and conditions have been reviewed and it is clear how they will be developed and how staff will be supported to deliver integrated working.

Integrated working

Whether there are robust plans in place for joint commissioning, and the extent to which it addresses service integration and redesign, impact on users and the five outcomes, as well as value for money issues.

Whether the local authority and partners are making adequate and timely progress on implementing the Common Assessment Framework and information sharing, and information governance.

Pooling budgets and resources

The clarity of purpose of any budget and resource pooling proposals; whether adequate financial arrangements have been made and processes amended; the impact on other budgets, staffing and resources; use of suitable protocols for ensuring sound financial management and probity.

Performance management

Whether a clear and suitable framework has been developed, which is linked to local and national targets, who has responsibility for overseeing performance; and most importantly, whether performance management is driving the delivery of the five outcomes.

New structures

Whether the local authority and partners are appointing a lead member for Children and Young People and a Director of Children's Service in a timely way, and whether their roles have been fully agreed by relevant stakeholders, and are widely understood; whether sufficient progress is being made on setting up Local Safeguarding Children's Boards to meet Government timescales.

November 2004

Memorandum submitted by the Commission for Social Care Inspection

1. INTRODUCTION

1.1 The Commission for Social Care Inspection (CSCI) is the single social care regulator for England. The Commission is a statutory body whose primary function is to promote improvements in social care—across children's and adult's services, in local councils, and in the private and voluntary sectors of social care.

1.2 The Commission works with providers, commissioners, those who use social care services and other stakeholders, including Parliament itself, and other inspectorates such as Ofsted and the Healthcare Commission.

1.3. The Commission's children's services inspection work includes local authority children's social services, foster care and registered services, such as children's homes.

1.4 The Commission has a duty to promote and safeguard the welfare and rights of children. The Commission has chosen to take a rights based approach to its work and has adopted the UN Convention on the Rights of the Child. The Commission has three obligations to children:

- first, to safeguard and promote the rights and welfare of children in all that we do;
- secondly to put real outcomes for children at the centre of all of our work; and
- thirdly to work with other Inspectorates to develop the integrated framework for children's services inspection envisaged in "Every Child Matters", and the Children Bill.

1.5 The Commission's submission to the Committee's inquiry is in part based on experiences of colleagues across the organisation but also relies on work that the Commission, in particular the Children's Rights Director, has done in consulting with children from care and residential education settings on proposals in the Green Paper "Every Child Matters" (the full text of which are contained in a report published by the Children's Rights Director in October 2003).

2. GENERAL THEMES

2.1 The Commission welcomes the Education and Skills Select Committee's timely inquiry into "Every Child Matters". CSCI is working with partners across children's services including the Department for Education and Skills, to implement the provisions of the Children Bill 2004.

2.3 High quality social care services are essential to the success of the future of children's services. For example the Green Paper estimates that there are large numbers of children who either use social care services or are in need:

- 25,700 on the child protection register;
- 59,700 children looked after;
- 300,000 children in need.

The Commission will make these children the main focus of its children's work. The Commission also hosts the statutory post of the Children's Rights Director, whose focus will be to consult with and represent this particular group of children.

2.2 The Commission has focused its evidence to the Select Committee on the following issues identified in the inquiry terms of reference:

- inspection;
- the place of health, social services and education respectively within integrated services;
- working with Parents;
- the role of the Children's Commissioner.

3. INSPECTION

3.1 The Commission is a key partner with Ofsted in developing the integrated inspection and performance assessment processes, and is working with the DfES and the Department of Health to establish the ongoing Change for Children programme with each local council.

3.2 The Change for Children programme's main features are:

- focus on successful outcomes;
- listening to children and addressing their needs in a holistic way;
- clear accountabilities for children's services both at senior management and member level in local councils;
- a duty on all agencies to work in partnership to deliver better outcomes for children;
- addressing the needs of vulnerable groups within the development of all services.

3.3 The Commission is working with colleagues in Ofsted to produce a single process for assessing, on an annual basis, the contribution of social care and education services to improve outcomes for children and young people.

3.4 The Commission's Chief Inspector, David Behan, is chairing the Steering Group of the next Safeguarding Children review. This is made up of representatives from all participating inspectorates and the review will give particular regard to children's views and experiences. The Group will report to Government and this will be published in the summer of 2005.

3.5 A joint report of one of the predecessor bodies to CSCI, the Social Services Inspectorate, with colleagues from other inspectorates, such as Ofsted and the Commission for Health Improvement, "Safeguarding Children (2001)" found that the ability of agencies and professionals to safeguard children was being compromised by.

- inconsistent prioritisation and resource allocation across agencies;
- different interpretations and understanding of each agency's safeguarding responsibilities;
- an absence of coherent strategic planning across agencies to safeguard children;
- incoherent thresholds for intervention and access to services; and
- only a few Area Child Protection Committees were able and equipped to exercise their responsibilities to promote and ensure safeguards for children and young people.

It also identified concerns about specific services that were not well integrated into local safeguarding arrangements. These included:

- independent schools;
- general Practitioners;
- child and adolescent mental health services;
- adult mental health services;
- NHS direct and walk in centres.

3.6 The Commission is working with our partners to develop the integrated inspection framework and to achieve a balanced focus on achieving better outcomes for all children, whilst providing more effective intervention and support for vulnerable children, and ensuring that all children are properly safeguarded. It believes that much progress has been made towards that objective.

3.7 The Commission believes that User and Self Assessment in inspections, including children's services is an appropriate way forward. It recognises that in seeking to maximise this there needs to be a recognition that this will mean a difference in the role of regulation. The inclusion of the views of those who use services will mean that uncomfortable messages will be presented at times.

4. THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

4.1 The Commission agrees with the Green Paper's analysis of the fragmentation and boundaries in existing provision, and the principle of planning services around the needs of the child. The Commission believes that integration, as a concept in delivering public services is desirable and necessary. However, integration should not mean new boundaries around old behaviours. Delivering improved services depends on *how policies are implemented, and on transformational and cultural change rather than just how they are structured.*

4.2 The role of the Directors of Children's Services together with that of the Lead Member is crucial in providing local leadership to the implementation of the changes. It is essential that the range of skills which the new Directors of Children's Service possess, draw together the experiences of both Directors of Education and Directors of Social Services. It is essential that there is no loss of expertise and knowledge of children's social care. The Commission will be working closely with local councils to ensure that social care services for children are not seen as an add on to some reorganised education department, and that health services, the police and the youth justice system are kept as inclusive components of the development of children's services. Children's Services Directorates are not simply education departments by another name.

4.3 Flexibility of response is essential to enabling services to respond to individual need, but implementation needs to avoid fitting children into a new pattern of local services. Common structures do not guarantee consistency of access to services or of outcomes, for individual children. The latter, not the former, must be the objective. Focus on structural changes must not detract from the actual delivery of service outcomes to children. Experience from two of the Commission's predecessor bodies, the Social Services Inspectorate and the Joint Review Team based at the Audit Commission, demonstrates that structural change does not necessarily deliver better services, and that effective joint working is often more effective than common structures.

4.4 The fact that these plans are "live" at the time of introduction of the Children Act 2004 provisions provides a unique opportunity to develop joined up services.

4.5 The Commission believes that there are outstanding questions how foundation schools and specialist schools participate in the development of a coherent strategy for children and the duty placed on councils to promote and pay attention to the education of looked after children. The Commission is concerned at the most recent figures given for the educational attainment of children "looked after". In a parliamentary answer given to Lord Laming on 19 October 2004, Lord Filkin reported that 9% of looked-after children attain five A–C grade GCSEs, compared with over 50% for the rest of the population. (Official Report 19 Oct 2004 : Column 649). The figures demonstrate the need for local authorities to look at services across social care and education to offer looked after children the educational opportunities that all children should expect. The development of Children's Centres and Extended Schools are welcome; however it is important to ensure both access and suitability for children receiving social services support or living away from their original home.

4.6 One of the problems that can arise in extended school settings which include both health and social care services is school peers knowing or finding out exactly what problems or services an individual child has. This issue needs to be addressed in the planning and monitoring of extended schools.

4.7 In the report of the Children's Rights Director, referred to above, children thought that they should have someone they can trust to turn to. In schools they thought this should ideally be someone not directly associated with the school. Children made the point about there being a need for a choice of who to talk to.

4.8 There was a real concern for some children that if the people you had to visit about personal information were based in the school, other children could easily know that the child needed to be seen for personal help, which they feared could lead to bullying. One group of young people were concerned that providing healthcare and help with problems all at school "could stigmatise some groups of young people".

4.9 The Commission believes that schools are not always the best places for the provision of social care services and that some children will want to access these services outside of the school environment, indeed given the complexity of the problems of some of these children they may not always attend school and as such alternative locations for social care services will need to be considered.

4.10 Although a key objective of the proposed change is to remove boundaries between services and establish single accountability there will always be boundaries between children's services. For example, the provision of youth justice, healthcare provision for children, children in custodial settings, in the armed services, or in accommodation for asylum seekers, all have clear rights and welfare needs but live in settings outside the accountability structures set out in the Green Paper. Respect for the essential contribution of other professionals working across boundaries and in partnership must remain a top priority regardless of changes affecting other boundaries.

4.11 The Commission has also welcomed the National Service Framework for children, published in September of this year, and believes that Framework, the Green Paper and the Children Bill alongside five year improvement plans in health, education and the criminal justice service which should be seen as part of the improvement agenda for children's services are all parts of the jigsaw which will help improve children's services.

4.12 The Commission is keen to ensure that there are no structural barriers to a smooth transition from children's social care services to adult social services. However, there is a risk that structural change puts at risk the very outcomes the structural change is intended to bring about. Those accountable for services to children take their "eye off the ball" and pay attention to developing the changed structures rather than the outcomes for children. It is the experience of the Commission's transferring bodies that children can be most at risk when services are preoccupied by structural change. The Commission is working with colleagues on a framework to provide a smoother transition in the period between childhood and adulthood.

4.13 Respect for the essential contribution of other professionals working across boundaries and in partnership must remain a top priority regardless of structural changes affecting other boundaries.

4.14 The measure of success will be if outcomes for vulnerable groups demonstrably improve by this approach to integration. The Commission would expect that local partnership arrangements would seek to address this on an inter-agency basis, with joint teams, funding and shared priorities.

5. WORKING WITH PARENTS

5.1 We support increased information and support for parents, but would recommend that this includes increased information and support for some parents, such as those receiving social services, foster parents, adoptive parents, and parents of children with disabilities. Parents should themselves be consulted over the types of information and support they need to assist in the task of parenting.

5.2 The Commission's work shows that the children of parents who are themselves in receipt of social services are more likely to be on the children at risk register, for example, a Social Services Inspectorate Report in March 2000 ("A Jigsaw of Services") found that over 60% of children whose parents had a learning disability, were in some way known to social services as "at risk" (although not all on the at risk register). In the same report it was noted that "child care teams did not necessarily record that parents had a disability and adult services teams did not record routinely that there were children in the family". This suggests that it is important that the needs of parents are not ignored in the establishment of children's services in local authorities. The same principle about children's services and adult social care services working together could be said in the case of children of parents with mental health problems or drug and alcohol addiction problems. There is growing evidence that over 50% of children on the register have parents who have either a mental health or a substance abuse problem or both.

5.3 The Children's Rights Director's report on the consultation with children about the Green Paper also identified the need to "help parents to help their children".

5.4 Changes in the delivery of services as a result of the Children Bill 2004 will need to reflect the needs of parents as well as the needs of children, and any artificial barriers between children's services and adult social care runs the risk of either children or their parents suffering as a result.

5.5 The development of improved support to parents and different engagement with parents in achieving better outcomes for children will also need to ensure that a continued recognition that the needs of children and the needs of their parents are not always the same and that services need to work with parents whilst always focusing on the welfare of the child as their paramount concern. There will continue to be difficult decisions to be made and judgements about risk, responsibility and intervention across a wide range of settings. The workforce need to be trained and supported to ensure they are confident competent professionals with the right knowledge and skills.

6. THE ROLE OF THE CHILDREN'S COMMISSIONER

6.1 CSCI has welcomed the creation of the Children's commissioner for England, and believes that this post is complementary with the statutory post of the Children's Rights Director based in CSCI. The Children Bill, clause 2(4) states "The Children's Commissioner must for the purposes of subsection (3) have particular regard to groups of children who do not have other adequate means by which they can make their views known". Given the focus of the Children's Rights Director post in CSCI, to consult with children who use social care services and those children in registered settings, such as boarding schools, CSCI believes this establishes clear, distinct and complementary roles for the Commissioner and the Children's Rights Director.

November 2004

Witnesses: Mr David Bell, Her Majesty's Chief Inspector of Schools, Ofsted, Mrs Anna Walker CB, Chief Executive, Healthcare Commission, Mr Steve Bundred, Chief Executive, Audit Commission, and Mr David Behan, Chief Inspector, Commission for Social Care Inspection, examined.

Q77 Chairman: Can I welcome our Inspectors to our deliberations? David Bell, of course, is Her Majesty's Inspector, Ofsted; Anna Walker, who is the Chief Executive of the Healthcare Commission; Steve Bundred, who is Chief Executive of the Audit Commission; and David Behan, who is Chief Inspector of the Commission for Social Care Inspection. We were trying to work out a collective description of so many Inspectors, and Jonathan came up with a "Gotcha" of Inspectors, which I thought was quite inventive! We are here today to

share some concerns and questions with you about how the whole new system is going to work. It is new territory for us and I have already said that even venturing into new worlds of acronyms is quite difficult; but that is all right, we will learn. Certainly Steve Bundred and I have met before, David is a regular, but Anna and David welcome particularly—we will be seeing you on a regular basis, I take it? This is as challenging to us as to you in the sense that this is a very large added responsibility for the Committee and in these

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hearings we want to make sure that we do it right. So we start by asking you if you want two or three minutes each to say how you think the new system is going to work and any concerns that you have; but I will hold you to two or three minutes. Could we start from left to right, with Anna Walker?

Mrs Walker: Thank you very much indeed. As you say, I am the Chief Executive of the Healthcare Commission. The first point I would like to make is that as a Commission we buy extremely strongly into the vision that *Every Child Matters*, so that our work on children starts from that basis. We do also have a statutory duty to be concerned about child protection, child healthcare and child issues generally; so our work springs from that statutory basis as well. We are very committed to working with David Bell and Ofsted, to ensure that the Joint Area Review, the joint inspection activity works effectively. We are a young organisation, which means that we are building up our own methods of inspection and proceeding, but what we are clear on is that we are very willing indeed to be flexible with the way that we come at this activity in order to operate under Ofsted's lead and to help the joint inspection activity to be effective. One other very important point I ought to make is that our work on children is not just the joint work, we also have various ongoing healthcare responsibilities, inspection responsibilities, for example looking at the treatment of children under the Department of Health standards, feeding that activity into the annual rating system; where there are complaints or concerns of a significant sort in relation to children, following those up, as we did, for example, in relation to an investigation into a hospital in Wolverhampton, for maternity services. That stream of work is important; it will continue because it needs to do so under our current system. The fruit of it we can and will take into the work with Ofsted to ensure that we bring all our knowledge on health and healthcare of children to bear on that joint review activity.

Q78 Chairman: Thank you. Steve Bundred. How is your organisation going to deal with this?

Mr Bundred: As with the Healthcare Commission, we too buy into the vision of *Every Child Matters*. We think these are very important services and it is absolutely essential that the quality of them be improved and that the regulation of them be improved too. As a Commission we are absolutely committed to what we have described as "strategic regulation". By strategic regulation we mean a number of things, but among them we aim to maximise the impact we have on the improvement of public services whilst, at the same time, minimising the burden that we impose through our activities on the providers of those services. We aim to do that in part by working more effectively and more seamlessly with other regulators and other bodies with a similar objective. So in devising the range of arrangements that will accompany the introduction of the changes foreshadowed in *Every Child Matters*, we have been particularly concerned to ensure that Joint Area Reviews fit seamlessly with the

Commission's Comprehensive Performance Assessment of local authorities, where there are overlapping interests. It has not been easy to get to that point because the issues involved in both are very complex. But I am very pleased that, through the cooperation we have had from Ofsted and from other Inspectorates over recent weeks, we have now been able, jointly, to publish proposals for Joint Area Reviews and for Comprehensive Performance Assessment of local authorities from 2005, which we believe will be broadly welcomed by local government and by other providers of children's services as meeting the objective we have set of ensuring that there is a seamless split between the two and absolute minimum burden on the providers of public services.

Q79 Chairman: Thank you for that. David Bell.

Mr Bell: Mr Chairman, 4 August is a date that sticks in my mind: one, because it is my wedding anniversary and, two, because on 4 August 2003 we were given this collective commission to bring about a process for the inspection of children's services. It was something which we all wanted to do—and I am sure that you will not be able to put the proverbial cigarette paper between us on that front this afternoon—but we recognised the complexity of the task. I am pleased to say that we have got to the point at which we are now, just embarked on consultation, ready to roll from next year, largely due to the tremendous goodwill and enthusiasm shown by all Inspectorates across all the bodies involved. So I think that has been a tremendous plus. As Steve said, we have been anxious throughout to ensure that we devise a system that is proportionate, and therefore it is important to us to ensure that we make as much use of the existing evidence that we all generate individually. At the same time, we have all recognised that we cannot just keep on inspecting all that we have previously inspected. So I think all of us will be able to tell a story of different aspects of our work that have either had to change or, in some cases, disappear, so that we can do a proportionate job through Joint Area Review and, more generally, under Children's Services Inspection. In a sense that leads you to focus on what matters, and it may be that part of the questioning this afternoon will focus precisely on what matters, but we are certainly of the opinion that if we can look at some of those connection points between services we will be adding something worthwhile, because if you look at the history of "disaster", if I can put it that way, in relation to children's services it is often because of gaps between the services—that the services do not join up or connect. Therefore, looking at those connections for us is a very important part of this process. I mentioned that we have just embarked on consultation, we are consulting on the Framework for the Inspection of Children's Services; we are consulting on the annual performance assessment of local councils, children's social service and education; and we are consulting on some of the materials that Inspectors will be using on site. So I think we come before you

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this afternoon confident of what we have achieved so far and ready to move to the next stage of implementation.

Q80 Chairman: Thank you for that. David Behan.

Mr Behan: Thank you, Mr Chairman. We are a new organisation. Just to go on what you as a Committee know and those things you are learning about, we were created in April of this year. Our prime function is about improvement in social care. We have a number of functions that we conduct. We regulate social care services; we issue licences to operate; we inspect local authorities; we assess the performance of local councils, and our star ratings published a couple of weeks ago is evidence of that. We also have a value for money function. As a non-departmental public body we report annually to Parliament on the state of social care.

Q81 Chairman: Which Select Committee do you normally report to?

Mr Behan: The Health Select Committee. Interestingly, we host the Children's Rights Director post, which has been in existence now for a couple of years and continuously reports on our statutory function. We are under a duty to work with Ofsted, the Audit Commission and the Healthcare Commission in legislation that established us. Some 16% of our activity goes on children's services, the remainder going on adult services. One of the issues that we have been pursuing as part of our set up is to re-engineer the way that we operate so that we focus on the experiences of those people that are using the services—not the inputs into those services but the outcomes for individuals. Your invitation was in relation to comments about where are we and what are the key issues. We too welcome the publication of *Every Child Matters* and, as David says, it would be difficult to put a cigarette paper between us in relation to that commitment. One of the things we particularly welcome is the opportunity to focus on improving outcomes for all children, but, in particular, those children who are vulnerable—the 28,000 that are on Child Protection Registers, the 61,000 that are looked after by local councils, and that 300,000 who were defined legally as being in need under the Children Act. We think it is important that in the future those children remain the focus of the way that services are delivered at a local level. The second point we would want to land is about the importance of connecting children's services and adult services, particularly around those parents who are social services' users. 60% of children whose parents are known to social services are themselves defined as being at risk, and in over 50% of children on Child Protection Registers the parents are likely to have a drug, an alcohol or mental health problem, and in some cases all three. So we must ensure that children's services are linked to adult services through robust partnerships. We are also keen that the kind of cultural shift that is taking place in children's services focuses on attitudes and behaviours and not overly focuses on structures. So we think it is important that there are organisational development programmes and

support to staff so that the vision behind *Every Child Matters* can indeed be carried through. We think that the development of the workforce is an essential agenda to achieve the changes described in *Every Child Matters*. We know from our performance assessments of local councils this year that recruitment and retention was one of the key barriers identified by local managers for achieving their objectives, so we think that the focus on recruitment, retention and developing the new workforce is a critical part of the way that we roll out this agenda. Finally, we also think that services will change when professional staff are doing the basics well and doing the basics well together in multi-disciplinary teams.

Q82 Chairman: Thank you for that. When we have four witnesses it is quite a difficult situation to manage, so can I ask colleagues to direct their questioning to one person as the lead questioner? We will play it by ear but we cannot have a situation where every Inspector answers every question or we will not get through the remainder of topics that we need to cover. I want to kick off by saying that a lot of people think that the government is a little optimistic about the power and the utility of inspections. It seems that they are putting in an awful lot of investment in securing the future of our children, especially vulnerable children, out of an inspectorate regime. Do we have much confidence that inspection can make a difference? We did our joint inspection of pre-school, did we not, and it was abandoned as being ineffective—the two inspectorates failed to work very well together. Why would four inspectorates do better than the two that were discarded? Who would like to start on that one?

Mr Bell: If I may make a start on that, Mr Chairman? It is actually more than four inspectorates; there are a number of other inspectorates who have an interest in children and young people who are working together on this programme.

Q83 Chairman: Which other ones?

Mr Bell: We have, for example, Her Majesty's Inspector of Prisons, Her Majesty's Probation Inspectorate; we have the Magistrates' Court Inspectorate, and so on. So we have a range of other bodies that have an interest in children and young people. I do not think any of us here would pretend that Inspectorates bring about improvement in local services; it is people who run local services, people who work in local services that bring about improvement. However, I think we would say confidently that, in our own ways, individually and I think now together, we hope to be able to bring about improvement in a number of ways. For example, we will be able to identify where services are effective and what they are doing well. That helps to stimulate improvement, not just in once place but in many places. We will be able to identify where services are not doing as well—and we know from our evidence that that can act as quite a substantial fillip to improvement. I think it is also fair to say that we act as a mechanism for drawing together the

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views of users—and I am sure we will talk about that later as the afternoon goes on—and helping to find out what people think who are on the receiving ends of those services, and factoring that evidence in to our findings. So I think we are not overstating the role that inspection can play; we believe in it, but we also believe, as we said earlier, that we need to do it in a different way in the future, we have to do it in a more proportionate way in the future, and we probably have to do it in a smarter way in the future.

Q84 Chairman: If I can push you on this? There is also a view that here are the standards of local delivery—the local authority plus the local health delivery, the Primary Healthcare people and the Acute Trust and so on. Are they not going to feel that they are crawled over with Inspectors? One of the most common complaints, even in education, is too many inspections, too much red tape, “Why can we not get on with our job?” They now have the Audit Commission competing with it right across services, and now you have an Ofsted lead in this. Is there not going to be a fear of delivering anything because they are being inspected so much? Steve Bundred, do you want to come in on that?

Mr Bundred: I would like to make a couple of comments on that. I think from our work we have a substantial body of evidence that demonstrates that inspection works. Later this week we will be publishing the latest results of our Comprehensive Performance Assessments of local authorities, and I think they will demonstrate that in comparison with the first assessments that we did in 2002 there has been substantial improvement. But we recognise also that inspection is a scarce resource and therefore it needs to be targeted where it can have most impact. That has been very much uppermost in our minds in the discussions that we have had with David and his colleagues about the timetable that we will adopt jointly for the Joint Area Reviews, which will be undertaken simultaneously with our new corporate assessments for CPA 2005. So they will be targeted on the basis of a risk assessment, which we have discussed and which we have agreed jointly. Our Comprehensive Performance Assessments 2005 and onwards will enable us to very substantially reduce the level of inspections that we will be undertaking with individual services. There will be a reduction of some 68% as compared with what we were doing in 2002–03. It is important also to recognise that Joint Area Reviews themselves will take the place of a number of separate inspection regimes which have operated previously.

Q85 Chairman: What is the Joint Area Review going to do for you, Anna Walker? What do you see it achieving? How is it going to work? Take us through it.

Mrs Walker: Can I just go back and very briefly answer the question about whether we think inspection will make a difference because in our area it can contribute two things? Unlike my colleagues we have a statutory requirement to carry out an annual rating of all healthcare organisations in this country.

Q86 Chairman: Is that the star system?

Mrs Walker: Yes, the so-called star system.

Q87 Chairman: Are they not abolishing that?

Mrs Walker: Not the annual rating but the stars—there is a difference. And we have to do it annually. That system actually has been successful in driving some important change through the healthcare service. You can take it too far but I think healthcare managers generally consider that it has achieved something. You have to measure what matters—that is actually the trick—and within our annual rating system we are measuring and will continue to measure the activities of healthcare organisations in relation to child protection. I think that is important for contributing to the work on the Joint Area Reviews. There is another area where I think that inspection in healthcare can actually help too. I totally understand the point about regulation not being too burdensome. We have a wide roving remit to intervene where there seem to be areas of concern. What we can perhaps do as a result of that remit is, having looked to investigate a particular area, to take the learning for that area—so, for example, on maternity services or some work we are doing with the youth offending teams, the relationship between the youth offending teams and healthcare services—and ensure that we draw the lessons out of that and then measure light touch but what matters to help the healthcare organisations to drive improvement forward. So in two ways we can help: measuring what matters annually and actually learning from investigatory work we undertake.

Q88 Chairman: Most people, in terms of the wraparound total coherent service, are more worried about health than anything else, are they not, because it has historically been a problem around GPs and getting information and cooperation from that sort of area? Is that not the case?

Mrs Walker: I am not sure that it is particularly. The issues that we have been concerned about in child healthcare have been something to which David drew attention, which is this question about links between organisations because healthcare is only one aspect of what children need for well-being. So this whole question of a child who goes through a period of healthcare, how that links back into the education system and into the health of the population as a whole, are actually some of the really challenging issues that we see. So, for example—and I am sorry to come back to specifics—we carried out this investigation into the maternity services at a hospital in Wolverhampton and there were some real issues in quality of care learning, but actually the most significant issue went back into the health of the population. The question is, what can we do with a finding like that, except work with others, including not just Inspectors but local authorities and the relevant government departments, to try to bring about a change?

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Q89 Chairman: But it is the case, is it not, that really frontline, before a child gets into any institutional setting, it is the Health Visitor and the GP that will probably have more knowledge of the child in the early years than anyone else? To what extent are you confident, for example, that they and you can share the data that they have?

Mrs Walker: You are absolutely right that there are a lot of healthcare activities that involve children in a major way but do not concentrate on children, and one of the issues there is to ensure that those healthcare organisations or people are actually looking at the needs of children as well as the needs of adults, and in doing that there are various elements that we can measure. We have a young patients' survey, for example, on a regular basis which seeks to get feedback from young patients about how they feel they are being handled, and we can then feed that back into the GP's surgery or the relevant Primary Care Trust.

Q90 Chairman: To David Behan, my last question before we start moving the questions around. In terms of your attitude to all this, who are you out there to protect? Are you out there to protect the average child or the vulnerable child? How do you as Inspectors think about that? Are you trying to drive a service up for everyone, particularly something that we identify in education—the average child, who has the potential to improve their performance in education? Or in terms of children are we concentrating on—I think it was announced this morning that 100,000 families in temporary accommodation, are they the people who will be the focus more than the average child?

Mr Behan: When this work has been in development—and our staff have been working together to develop the approach and methodologies, et cetera—one of the questions that has been posed is how will Joint Area Reviews improve the life of a child in Middlesbrough? I am not particularly clear why we have chosen Middlesbrough.

Q91 Chairman: The *average* child in Middlesbrough?

Mr Behan: In Middlesbrough.

Q92 Chairman: The *average* child?

Mr Behan: Yes. I am not sure why we chose Middlesbrough.

Q93 Chairman: Not the vulnerable child.

Mr Behan: And within that, one of the areas that has been fertile in discussion is how can we ensure that we have covered the range of children that live in Middlesbrough, from the gifted at the one end to those who are excluded at the other end. So not just the average but children across the range. So there will be various streams of inquiry as part of an integrated service Inspection of Children Services. There will be 10 areas and we will be proportionate in the way we select the kind of issues we look at, based on the performance assessment that we anticipate carrying out. So if there is an issue, for

instance, in the safeguarding of vulnerable children in this authority then that might be a particular stream that we would pay particular attention to as part of the inspection process. We are looking to paint across the population of children in a community, not just one group; but we are concerned to ensure with those children who might otherwise be excluded, for whatever reason, that we are clear about how they are performing, we are clear about what knowledge local councils and local services have of those children, and to ensure that there are good partnerships in place working together to ensure that children that are vulnerable are not being neglected and left out. So we see it painting across the range but paying particular attention to children, and the children you referred to in the news this morning are one group and asylum seeking children are another group. So there are many groups that we need to attend to through the work. The Performance Assessment Framework, which is a self-assessment framework which will be completed by local councils, is designed to identify those areas that we need to pay particular attention to as part of the assessment process and will help us to target our resources to make sure that we are exploring with councils and local providers those areas where there are particular issues that we need to attend to.

Chairman: Thank you for that. Helen Jones.

Q94 Helen Jones: We have heard from all of you that you are all signed up to the process, but the evidence that we are getting indicates concerns about actually putting all this into place on the ground. You have different teams of Inspectors, different professional backgrounds, different frameworks for inspection; what are you doing to bring all those together into an integrated framework for inspection, and to train the staff to operate in that integrated framework? Would David Bell like to kick off?

Mr Bell: Since we began the work on 4 August 2003 that is precisely what we have been thinking about: how do you bring together quite different traditions, different backgrounds of inspectors, different frameworks, different ways of doing business? That led us together to publish a framework, so we published last week a framework for consultation that highlights the things that we need to cover during Joint Area Review. One of the virtues, of course, is that we have all been driven by the specification, the five outcomes for children, and that has been a great unifier across the work that we have done. So we have the framework out of the consultation and that, in a sense, addresses the issue of how together we answer the questions we have about what happens for a child in a particular area. The point about training is a good one and in fact we have already had groups of our Inspectors together and they will be brought together more extensively after Christmas, to start on the training programmes together. I think that is a great virtue of this programme, that people will have an opportunity to train together and to work together in teams, and we would expect all our inspection teams to have a range of representations from different Inspectors.

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Just picking up on a point that David made, we will not expect every inspection team and every inspection to cover every conceivable question that could be asked. It is very important to restate the point that we will draw as far as we can on existing evidence that is around. For example, there will continue to be evidence generated from school inspection about performance of pupils; there will be evidence drawn from examination and tests results about the performance of pupils; there is evidence available about the state of childcare in an area. So we will be able to draw all this evidence and then, in a sense, decide where we are going to do fieldwork. When we have decided where we are going to do fieldwork we then put together a joint team that is able to do it. So I think we have made very good progress to get a framework ready for consultation and out, and of course the next stage is to ensure that our staff are ready to do the job on site for Joint Area Review from September next year.

Q95 Helen Jones: Thank you for that. I understand what you are saying about putting together joint teams, but I would like to ask you a little more about the training requirements because whenever we have discussed this one of the things that we come up against, time and time again, is that it is no good putting any framework in place unless you have the staff who are able and willing to operate it. Have you made any assessment of what the training requirements amongst your staff will be for this; how is it going to be funded; and how long is it going to take to do, bearing in mind you have to begin in September next year, have you not? Perhaps David Behan can answer that?

Mr Behan: We have had four pilots in the autumn of this year, where we have gone to authorities with the methodologies that have been designed, and they have been piloted in discussion rather than rolling out the full methodology. After the New Year we will be taking out the methodologies and rolling those out. So the staff that are going to be operating the new methodologies, that David referred to as going out for consultation last week, will be piloting those in a real setting in real time. Last week the Inspectors that are going to be coming together as part of those teams and taking forward the work began their training sessions. So all these Inspectors that will be working within this inspection programme from September 2005 have begun to come together to develop the methodologies and to be trained in the approaches that are going to be taken. That work has already begun, so people will be trained by the time they get to the pilots in the Spring of next year, and then people will be fully up and running by September of next year. We have begun to map out the programme so we can look at the resources required for the programme, to come on to your question about how many people will be required, so I am clear from the Commission's point of view of those inspections that we will lead on, along with David's Inspectors, and those that will support over the period September 2005 to March 2006; and then the likely resources we will need from 2006 into 2007 and 2008. So that strategic work has

begun in equipping our Inspectors with the skills—our collective Inspectors, not the Commission's Inspectors—to carry out this role. The importance of the pilots obviously is that the experience that we have of providing multi-professional teams for inspection, we can learn the lessons from those pilots and begin to incorporate it into the programme from September onwards.

Q96 Helen Jones: I understand what you are saying, and thank you for that, but it raises two questions. First of all, what are the major difficulties that you have encountered so far in doing this; and, secondly, do you believe you have enough time, after the pilots have been undertaken, to evaluate them properly and to make any changes that you need to make?

Mr Bell: I think it is worth repeating the point that we have not started out there yet, so it is difficult to comment. But what I should highlight, of course, is that in our different guises we have been used to doing some joint work previously. So, for example, the inspection of local education authorities has been a joint enterprise between Ofsted and the Audit Commission, and one of the predecessor bodies to David's organisation worked with a range of other Inspectorates to do work, for example, around children safeguarding. We worked with Her Majesty's Chief Inspector of Prisons on education in prisons; we worked with Her Majesty's Inspector of Probation to do youth offending team inspections, as do others. So I think we have some knowledge—and quite a bit of experience—of working together. You asked the question about difficulty. I suppose what you expect of your Inspectors is that they will come with an open mind and that they will not come along and say, "We have always done it this way in Ofsted" or "We have always done it this way in the Audit Commission," but they actually together try to work up an appropriate methodology. In relation to the pilots, I think the answer is yes, we do think that we will have time to make the amendments we require. We are not, however, naïve because once the programme begins to roll out in September we also need to be in a position, maybe after six or seven months—by the end of March 2006 is what we are planning—to look back over the first set of inspections to amend. So I think we have a very open mind about how we do this. At the same time, of course, we have to balance up a legitimate desire for change with a legitimate desire for a degree of certainty about how you are going to carry out inspections, because if you are on the receiving end of one of these inspections I do not think you would be too happy if we came along and said that we were going to radically change this, that or the other. I think the first pilots, before the whole scheme goes live, will give us a good opportunity to test out and amend as necessary.

Q97 Chairman: How are you going to choose where you go first, second and third?

Mr Bell: We have taken into account a variety of factors, and that would include the council's most recent performance in relation to education or children's social care; it would take account of the

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council's most recent performance in relation to the Comprehensive Performance Assessment; and it will take account of any other evidence that we have.

Q98 Chairman: Lord Laming's remarks to this Committee about a particular authority involved in the Victoria Climbié tragedy, you will take notice of them, will you?

Mr Bell: We will take account of all the evidence we have, and if Lord Laming has made observations, which he did, I am sure that will be fine. What I cannot do this afternoon—and I do not think any of us would want to do this afternoon—is to say it is one single piece of evidence, but I can assure you that this has been risk assessed as well. We have been quite clear that we need to ensure that the programme is sensitive to the risks as we assess them together. I think that has been the other virtue of putting together a joint programme; we have been able to sit around a table and say, “Where do you think the particular risks are in relation to one set of activities against another?” We have had to make a judgment about where we are going to visit first, where we are going to visit last. We are going to publish that programme, and I think it is important, as Steve said earlier, that we publish that alongside the programme for Comprehensive Performance Assessment, and that is our expected programme. But you would expect us, I am sure, Mr Chairman, to have a degree of flexibility there, that if something arose at short notice we would be able to inspect accordingly.

Q99 Chairman: So you could respond, say, to a scandalous state of affairs that was reported, or a whistleblower?

Mr Bell: Mr Chairman, I think all of us in our different Inspectorates have been used to doing that in the past already.

Mr Bundred: Not only could we, but we would think it essential to do so.

Chairman: Thank you. Valerie Davey.

Q100 Valerie Davey: You recently published *Change for Children*, which means that every one of these five outcomes has spawned five aims, so we now have 25 aims as well as the original five objectives or five outcomes. I wondered whether you are happy, whether you think those do reflect the spirit of the original outcomes which we were set for working on, to which you have all readily agreed. Are the additional aims helpful? Anna, we started with health, and if you take the first of these objectives, which is for children to be healthy, in that context do you think the five aims that are added to that are the right ones?

Mrs Walker: I am extremely sorry, I am not sure I am familiar enough with those aims to comment meaningfully on them.

Valerie Davey: Very luckily I have in front of me a nice clear document.

Q101 Chairman: There will be different knowledge of this, and we like honesty amongst our witnesses.

Mrs Walker: I will come back to you on them and give you those comments so that you can put them on the record.¹

Q102 Chairman: We would be very grateful for that. Who wants to take the five aims? Did Gordon Brown draw these up? He likes five, does he not?

Mrs Walker: Five times five, yes!

Mr Behan: I thought the biblical number was seven!

Jonathan Shaw: Perhaps they could name them in the way that John Prescott was asked to name the five!

Q103 Valerie Davey: Which of them do you feel happiest with? Which of these five relate most closely?

Mr Behan: I think the difficulty with them is if we asked our children about the kind of issues that are important to them they would probably come up with a list like the five aims. I think the reason we have aims under the five outcomes for children is so that they can have some meaning in terms of the way that services are provided locally. We all said at the beginning how much we welcomed *Every Child Matters* and you mentioned Lord Laming earlier, where this came from, and the key issues that were identified in Lord Laming's inquiry was a need for coherence and coordination at a local level. Part of the objective was to ensure that all local services were focusing in a clear way so that there was that coherence and coordination at a local level. So I think the five outcomes were designed following quite a broad-based debate following Lord Laming's report, to focus on those issues which children themselves feel are important to them. I know that the five outcomes were subject to consultation with children and young people about are these the right issues that are of concern? So we do think that the outcomes are the right ones to be looking at. The aims that are underneath them—and I could not list them all, that would be a challenge too far, I think, but I know exactly where they are in this pile of papers—are the right issues to be having conversations about with local services, about how needs are being met at a local level. When we go and ask children what they think is important at a local level or ask parents what is important at a local level, then they tend to come out with issues that are identified in that list. So we do think that these are the right areas. That is not to say that they are comprehensive and will suit all children all the time. There are children with particular needs; the parents of severely disabled children will identify particular issues which are important to them, which might not be important for other parents. So I think it is about ensuring that we have some clarity about what we are doing at a local level, and it is important that we are clear as to how we work as Inspectorates to hold to account those services at a local level, that we are meeting needs appropriately.

¹ Ev 46

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Q104 Valerie Davey: It sounds to me as if you are all happy to be flexible. Do you think, as the consultation proceeds, if these aims changed then that would be acceptable? That is the indication you are giving me, that there is a consultation ongoing, these are being looked at and you are genuinely listening and could tweak or change slightly as it moved forward. Is that possible?

Mr Bell: I think it is important to make the point that the five outcomes and the activities contributing to the outcomes are the responsibility primarily of the Department for Education and Skills, the lead department in relation to *Every Child Matters*. However, I know that our colleagues have been contributing to the process and, as David said, I actually think we stand as a good articulation of those things that would matter. If you take the one on achievement it essentially covers things like early years and attendance, support for parents, ensuring that children achieve commensurate with their abilities and so on and so forth. You might say could we not express that in a slightly different way, could we express it this way rather than that? I actually think that if you take that one and you take the others—and none of us would sit here today and say we have missed any major items, and if you add a commonsense test to this it is quite helpful—if you are saying, “Does this cover what it means to be safe, to be healthy, to achieve well?” I think all of us would say, “Yes, that is about right; that covers what it means in a commonsense way, to achieve well, to be safe, to make a contribution,” and so on.

Q105 Valerie Davey: The one that interested me on each of those is the reference to parents, carers and families, which are all going to be brought in, which extends your remit, it seems to me, as Inspectors dramatically. Is this going to be possible or is it part of this very positive dialogue which is taking place with, as we have just heard, the parents of handicapped children or others? Is that now part of your overall framework for inspection?

Mr Bell: It is important to make the point, of course, that we are not inspecting the work of parents; what we are doing is inspecting the extent to which services and agencies can help parents, and the wording is very carefully chosen, the extent to which parents are *helped* to ensure that their children are physically and emotionally healthy and so on. So the answer to your question is, yes, the inspection framework does look exclusively at the extent to which services help parents help their children, and it seems to me that that is the way it should be; that it is not for local services and certainly not for Inspectorates to usurp the role of parents, but I think it is a legitimate question to ask how do local services help parents? And that is an explicit requirement in our inspection arrangements.

Q106 Valerie Davey: Can we focus on enjoy and achieve? We have five aims there which focus almost exclusively on the educational attainment. Is that sufficient or should that one not in fact be broader so that it does include the enjoyment, which is there in the original aim?

Mr Bell: To be fair, it does say it is one of the outcomes that children should attend and enjoy school, and I think it is important that it is there. If you then look at the activities underpinning that it talks about children developing not just academically but developing personally as well, and it seems to me that that is right. One of the things that is rather interesting when you talk to young people in local areas—and of course they will talk about school—we know from some research that we have carried out collectively to ascertain young people’s views that they are interested in safety. They are interested in how well lit is the area because “I feel safe” or “I do not feel safe” if the area is not well lit. When you consult young people—and I am sure Steve would say more about this in the Audit Commission’s work—often they are interested in parks, open spaces, recreational facilities, leisure facilities. Those are the sorts of things that young people are interested in. I think one of the great virtues of our inspection programme here is that together we are devising arrangements for consulting young people and getting their views, and I think all that does is build upon a distinguished tradition that the various Inspectorates had over time of increasingly trying to get children and young people’s views. So I think you should be quite reassured by that, that this is not just academic attainment—important though that is—it is about the wider quality of life and how it affects young people.

Q107 Valerie Davey: One last question. Just focusing back on the five outcomes, is there any one of them that you feel is going to be more difficult to attain than the others?

Mr Bell: I would invite my colleagues, but can I give you a very specific example, which has been drawn to my attention? You will see that one of the outcomes is achieving economic well-being. Those five outcomes apply. It is a bit of a stretch for us to see how a two-year old child in the care of a childminder, which is our responsibility to regulate and inspect, that generating the evidence for that one might be difficult. But to make a more serious point about it, we are not necessarily looking in every case that you will get explicit evidence. So, for example, I would have thought for the well-being of that young child we are obviously more interested in are they healthy, are they safe, are they beginning to have the right kinds of experiences that will help them to flourish as a young child? Whereas if one is interested in older young people clearly one would be interested much more on the evidence around how they have been enabled to contribute actively and to contribute to society and the economy.

Mr Behan: A clear issue there will be the educational attainment of children looked after, where there is one of the objectives about economic well-being for children looked after. We know that one of the key issues to success of children that have been looked after in later life is going through education or into vocational education, into the employment market. So, again going back to one of the earlier questions, it may well be that we would look particularly at how

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an area is responding to the educational and vocational needs of children looked after, so that they can go on to be economically active, because when you speak to groups of children looked after—and I did on Friday afternoon—they wanted to be train drivers and doctors just like the rest of us wanted to be when we were that age. So I think it is ensuring that we are able to harness their ambitions so that they can be economically active, and that may mean that some specific activity is required at a local level to ensure that those outcomes can be secured.

Mr Bundred: If I could follow up on the earlier point that David made about the outcome on enjoy and achieve? One of the inspection criteria for that specific outcome is whether there is adequate recreational provision available in the locality.

Mrs Walker: May I add a point which I think is going to be very important under the “be healthy” outcome? That is, that there is a Children’s National Service Framework, which will drive a lot of our work on the healthcare side and we will certainly want to ensure that those issues that have been identified on the healthcare side are brought to bear and looked at in relation to the Joint Area Reviews. We do know that under the National Service Framework there are some big questions on healthcare, about whether there is enough help of the right type for some children; whether that help is sufficiently child-centred, needing to make a difference between treating children not just as mini-adults but as people who need care in their own right; and whether there is sufficient link-up with other services. Partially that may be social care services, but one of the issues that is actually emerging is whether a child who does need some quite extensive healthcare help for a period of time is then properly linked back into the education services because if they are not then their re-entry is going to be very difficult indeed. So those messages, which have come from a different framework, we are very anxious to bear in on the Joint Area Reviews.

Q108 Jonathan Shaw: In your opening remarks, Mr Bell, you talked about inspection being process of bringing improvement to services as well as highlighting areas that were not doing so well. As the Chairman said, we heard from Lord Laming last week and he was less than complimentary about Ealing Social Services who were at the centre of the Victoria Climbié inquiry, and he noted that the Commission for Social Care Inspection—your organisation, Mr Behan—had given it no stars and “getting worse”. Your organisations have been about in various guises, as you referred to earlier, David Bell. What have you done to improve Ealing Social Services, whether it was yourself or it was the Joint Inspectorate with the Audit Commission? I suppose if it is the case that inspection can bring about in-service improvements how is that going to be different in the future from areas that you would want to change from those of the past, Mr Behan?

Mr Behan: Probably as you were taking evidence from Lord Laming I was seeing Ealing in terms of the Leader, the Chief Executive, the Director of

Education and Social Services to secure from them their commitment to drive their improvement programme in relation to children’s services. I go back to what David Bell said in the introduction. Our job is to identify where improvement is required, ensure that improvement is taking place and then go back and measure that that improvement is sufficient. It is Ealing Council’s job to ensure that they are meeting the needs of their local population and improving their services. We need to hold Ealing Council to account for that and that is what we were doing last week in terms of the zero stars. In terms of their performance on children’s services, we judge them to be meeting the needs of most of Ealing’s children well. We were concerned, however, at the fact that it had had four Directors of Social Services in the past 12 months and therefore their infrastructure, their leadership, their capacity to improve further was, in our view, uncertain. The deterioration in Ealing’s performance was not on the children’s side, the deterioration in their performance was in the way they meet the needs of their adult population, and again we saw their capacity to improve being poor. We do have a positive regard for the Assistant Director for Children’s Services in Ealing and think that she is part of the solution in Ealing and not part of the problem. However, there was not a similar leader amongst the management on the adult side, which is why we judged their capacity to improve in the future as being poor. So what we were doing last week was holding them to account and that is what we will continue to do. They will now be monitored rigorously by the staff of the Commission for Social Care Inspection. In the arrangements that we are currently out for consultation on, that will be a joint holding to account, probably done by David and myself in relation to their integrated services. But until we begin these arrangements in “anger”, so to speak, we will continue to scrutinise Ealing, and I am obliged to report in January to Margaret Hodge, as the Minister for Children, and Steven Ladyman, on how I am holding those zero star authorities to account. It is clearly open to Ministers to use their intervention powers if they felt that was appropriate, and it is open to me to make a recommendation to Ministers that they may choose to use their intervention powers if we think that is appropriate. So we are driving Ealing hard in terms of their deteriorating performance, but I do stress that the greatest cause for concern was on the way that they provided services to meet the needs of their adult population. Our concern on children was about their capacity—their performance on children had not actually deteriorated—and we had an uncertain view of their capacity for the future, just because of the sheer volume of changes that had taken place at a senior level, and we know that organisations which are not well led do not have a common vision are not going to deliver, and that is where our concerns were.

Q109 Jonathan Shaw: Thank you very much. I think that is quite helpful to give us that clear picture. Obviously we had just a few questions about Ealing,

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about which we were rather alarmed, and I appreciate you putting that on the record. One of the comments that was made by a couple of you in your opening remarks about how joined up you are, how there are no fag papers between you and anniversaries, et cetera, there has been a concern expressed that all four of you are going to a particular area to talk to the strategic organisations, so the local council, the PCT, and you will see them working together because they have a duty to cooperate. But what happens when you find that the local authority are cooperating with the PCT but actually the problem is that the schools are not; that there are a number of schools in a particular area who say, "Take your fag papers and forget it, we have a great big roll of paper between us and that is the way we want to keep it, thank you very much," in the same way as GPs? So, strategically great. The vision, the strategies are all there, but what matters in *Every Child Matters* is that those people on the ground are cooperating but GPs and teachers do not have to. So what do you do then?

Mr Bell: The Education Bill that has just been presented to Parliament, which will bring about some changes to the inspection system, will make one of the new statutory responsibilities on the Chief Inspector to report on the contribution that an individual school makes towards the five outcomes for children that we have been talking about. So at the micro level you have reporting on the contribution that schools make, and I should just say incidentally on that, that far from being a burden on schools I think most of us would say that many schools would see things like keeping children safe, helping them to be healthy is just part of the day job. So I do not think that would be a huge issue. At the level going beyond the micro level—perhaps at the level that you are talking about—I have talked in front of this Committee before about policy tensions, and I think we have a potential policy tension here. On the one hand we have a strong emphasis on school-based autonomy, which I support, actually; and on the other hand we have an emphasis on collective responsibility. I think in the vast majority of cases there will not actually be a tension because schools who want to help vulnerable young people, vulnerable children, will want to cooperate with local services that are available to them. However, there is no hiding from the fact that schools do have a high degree of autonomy and may choose, for whatever reason, not to cooperate or to collaborate in the same sort of way with other schools or the local services more generally. That is the way in which we have constructed policy, and I think we have to recognise that that is there and trust—and I think it is not just a finger in the wind, it is a real expectation—that schools will see the virtues of cooperation and collaboration with other services for the sake of the children in their care.

Q110 Jonathan Shaw: May I ask Anna Walker to talk about GPs?

Mrs Walker: Our annual rating systems will actively encourage cooperation between relevant local partners—the so-called Department of Health

developmental standards are actually all about cooperation between different parties. The idea behind that is to actively encourage that sort of partnership. Where we would potentially like to be over a period of time—and because our systems do not begin until March of next year and we are going to have to phase them in and there is a bit of a journey for us to go—is that when we give our annual ratings we will do it on the basis of partnership working, so people will only be able to get positive ratings if they are working well in partnership. That is one aspect and that is, if you like, the encouragement of improvement in partnership working. The other element we will aim to do in our annual rating is to look at local outcomes. What are the factors in the local population in relation, for example, to sexual health or to tobacco control; or, to take an example of some work that we are about to begin with the Audit Commission, on obesity? If those indicators are high then our objective would be to go back in to talk to the PCTs, the hospitals, the GPs about why that was happening. The outcome alone being high would not necessarily condemn a particular PCT. What you have to do is to get behind that information to ask the questions because it may be that there are problems with the local population, and then the issue is what are the PCT and the GPs' surgeries doing about it? We believe that the combination of improvement, together with analysing the outcomes and asking questions, is the best way that we can contribute.

Q111 Jonathan Shaw: Will the inspection assist in building capacity to improve services? Perhaps Mr Bundred could answer that?

Mr Bundred: The corporate assessment which we will undertake for the combined purposes of our Comprehensive Performance Assessments and the Joint Area Reviews will comment on the capacity of the local authority in its partnerships and in its leadership role across partnerships, and in that sense it will go beyond what Comprehensive Performance Assessment currently does, and we believe will help to raise capacity in that way.

Q112 Jonathan Shaw: Mr Bundred, do you think the 2005 framework is capable of contributing to making more important outcomes in practice? Is it going to deliver this framework on the ground?

Mr Bundred: This comes back to the earlier question about the training and skills needed to deliver this on the ground. In the case of the corporate assessment element of JAR and CPA 2005 we have already undertaken some successful pilots of that element—and we are now in our final stage of consultation—and this is a process which has been under development throughout the past year. One of the things, however, that we have recognised is that it is capable of being delivered, it is capable of being assessed but it does require some higher order skills of our Inspectors than we have required in the past. So there will be an intensive training programme for the people that we will be putting on those assessments. We are fortunate too that we have

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learned some lessons from CPA 2002 when we attempted to assess all 150 authorities delivering the range of services that we are talking about here in a single year. That strained our resources considerably. We will not be repeating that for this exercise; this exercise will be spread over a longer period and it will therefore enable us to put the training in place and to ensure that we have the best people on the assessment teams.

Q113 Chairman: Steve, you have been a Chief Executive of a local authority and, interestingly, of my introductory questions the one you did not answer is how those departments and those local authorities that were going to be inspected and possibly inspected, inspected and inspected would feel about the new regime?

Mr Bundred: I think the answer to the question is that we have asked them what they will feel, and it is in response to some of the things that they have said to us that we have decided that it would make better sense for us and for local government for the two processes to be run in tandem, rather than have one set of assessors from the Audit Commission coming along to make an assessment and then a joint area review coming along perhaps only a few months later to ask many of the same questions. Much of the effort that we have been making with David and his colleagues and with others over the last few months as we have been developing this process is about how you can get those two together. So I think the answer to your question how local authorities view this is that they would view it as a process that does recognise their interests and their demand for less inspection. They see the value of inspection, they see the value of these assessments and they recognise that they are helpful in driving improvement, but they also experience the burden too, and I think they would recognise that we have done everything possible to minimise that burden and again, as I said in my opening contribution, one of the consequences of the introduction of joint area reviews is that some of the other inspection regimes that they currently experience will be abolished.

Q114 Jonathan Shaw: David Bell, do you foresee a formal interface between your inspectorate and the Children's Commissioner?

Mr Bell: I would hope so, because it would seem to me important, and it will be an important part of the Children's Commissioner's work to look at how inspectorates, alongside other public bodies, carry out their duties in such a way that gathers the views of children and young people. I think we have quite an encouraging story to tell already, and in our separate inspectorates, in our separate inspections, we do seek the views of children and young people. We have made it a high priority for development work in this system of inspection and we want to continue to look further at how we involve children and young people. So whilst it is early or even pre-early days in relation to the Children's Commissioner, I would hope that all of us, singly and collectively, would talk to the Children's

Commissioner about how we might more effectively use our work to gather the views of children and young people.

Q115 Jonathan Shaw: One last quick question about common assessment. I think you are having a contribution to that. Are you getting that done quickly enough in order for practitioners on the ground to be able to use it, so when the new regime comes in it is going to be fit for purpose, the people who are going to be doing these joint assessments?

Mr Bell: I suspect there will not be an exact match because local services—and I think we have to go beyond councils in this respect—for children and young people are progressing at different rates and they are choosing to do things in different ways. One of the comments that David Behan made earlier was that we are not going in presupposing a particular organisational structure for local councils in particular, and that is an important point because we are not going in to say in September 2005 “Do you have a director of children's services?” Some authorities have chosen to do that, some have not. Our focus has to be on outcomes, and I would have thought that people working in services will start to orientate their work towards those outcomes for children, perhaps in a more overt way than they have done previously, and therefore I do think that the inspection system will start to reflect that pretty quickly. I am encouraged by that.

Q116 Jonathan Shaw: So the message is: do not look to the inspectorate for a blueprint of how to shape your services; have the confidence to do them yourself?

Mr Bell: I think that is a very important signal. We made the comment earlier that our focus has to be on outcomes, and I think that is terribly important. What we may find—and this again would be based on previous experience—we might be in a position to inform the minister and others about systems or structures or approaches that are working better than others, but it is very important to say we are not going in and saying, “Show us the organisational blueprint, right or wrong.” We are saying, “What outcomes are you securing for children and young people?” That is what matters.

Q117 Jonathan Shaw: People want to develop services for children and get it right, but is that more important than getting it wrong? That is the worry and the concern of the culture change.

Mr Bell: I hope that people will not feel inhibited by inspection but will feel the need to create services appropriate to their local needs.

Q118 Mr Pollard: I am taking a keen interest in EBD schools, and I have eight in my own local authority and I visited one a few days ago, and we know that they are not achieving on at least three out of the five outcomes, enjoying and achieving, making a positive contribution and achieving economic wellbeing, just by their very nature. Would it not be better if we started where we know that failures are already occurring, not through any fault of the

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system but where we are, and therefore added value might lead to huge improvements in that particular area, where we are failing in my own area 500–600 children every single year?

Mr Bell: I think we can, in a sense, have complementary systems. We will continue to have institutional inspection, and that will be the same, very much so, for David's organisation, and we will continue to identify difficulties and that will lead at the level of individual institutions to intervention, should that be required, so I think we can continue to do that. We are not taking our eye off that ball, if I can reassure you. At the same time, we may find—and this, I think, would be likely—that sometimes schools serving the most vulnerable children and young people stand in isolation from other services that might help, and one of the ways in which we can use our joint inspection activity is to see where that might be so. We continue to work at the level of the individual institution to bring about improvement. At the same time, you look at the wider range of services to identify what improvements might help that individual institution to bring about better outcomes for children.

Q119 Mr Pollard: If we do look at these EBD schools in any serious way, it would seem to me that there could be a massive question about allocation of resources. I wonder whether that has also been taken into account in the thinking, particularly from the Audit Commission viewpoint. Perhaps, Steve, you could think about that.

Mr Bundred: Yes. Again, one of the changes that we are making in the new approach to comprehensive performance assessment 2005 are some substantial changes to what is the use of resources element within CPA, a much stronger focus on value for money within that element, a specific judgment by auditors on the value for money being provided by each local authority and a stronger role for that use of resources block within the overall model.

Q120 Helen Jones: I wanted to go back to something Mrs Walker said actually, because it worried me a little. When you were commenting on the “stay healthy” outcome, you talked all the time in terms of services for people who were ill. You talked about care for people. It seems to me that is not what it is about. I want to ask you whether we actually have the systems in place to look at health across the board, because this is not simply about treating children who are sick; it is about making sure they grow up healthy, and that means we have to look at how we look at the patterns that are set for children in pre-school, we have to look, as Steve Bundred rightly said, at open spaces and recreation. We also have to look—and it is a particular bee in my bonnet, I must confess—at the meals that are served up in schools. None of that was mentioned. How are we going to make sure that those types of things are catered for in the inspection framework? Schools will tell you, “It is nothing to do with us. It is not our problem. We have all these vending machines and they are making a lot of money for us. The meals—well, what can you do?” They shrug their shoulders

at you a lot of the time. How is that sort of thing being taken into account? I use it as an example, because after telling us you were developing this joint inspection framework, what I then heard from you was about how things had always been done in health, and not the links between health, education, recreation and so on.

Mrs Walker: If I can come back on that, I am sorry if I was misleading. There was a particular point I wanted to make, which I will come on to at the end. The remit of the Healthcare Commission, which is a new statutory remit as we are a new body, actually includes both health care and health, which is actually extremely helpful from our perspective, because it allows it to be a driver of our work and absolutely ensure that we are not just looking at the traditional role of the health care organisation, but how they are working with others to bring about the broader health outcomes that we are after. That is our statutory remit, and over and above that, the standards that we inspect against, which are the Government's Department of Health standards, to get on to the so-called developmental standards are all about health care organisations working with others for the health of the population as a whole. So I actually feel that the framework and the drivers that we have in our system will ensure that we, as inspectors and the health care organisations, look at the wider remit. The point I was trying to make—and I am sorry if I was not clear about this—is that the national service framework actually highlights that there are within the health care system some gaps that we need to close, and we need to do that for children as well as ensure that the partnership joined-up working is going on for the broader health reasons.

Q121 Helen Jones: I understand that but I want to come back to my point. You talked about health care organisations co-operating with others. What I want to know is how, in a joint inspection framework, you look at health across the piece. It is not just about health care organisations co-operating; it is about what schools do, it is about what councils do.

Mr Bundred: Could I just add on the local authority side that the shared objective, the shared priority between local and central government which relates to building healthier and safer communities is one of the themes within the corporate assessment that will be undertaken for the CPA, for our comprehensive performance assessment, and so within that we will be looking at things like the progress that the local authority is making to achieving the decent home standard, for example. So that whole public health agenda of the contribution that the local authority is making, both through the delivery of its own services and through its leadership role in local partnerships, will be a feature of CPA.

Mr Bell: Can I just make one cautionary comment, and that is we cannot and nor should we attempt to inspect everything. You might think that is a strange thing to come from inspectorates and inspectors, but I think it is an important principle that we should not attempt to do everything that we could possibly

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inspect. One of the key tasks for us in judging where to put our inspection time and activity is to get to the right places, and I think one should not underestimate the general climate either. I think health is a very good example. People are talking about the health of school children, they are talking about physical activity and exercise, and they are talking about diet. They are talking about a lot of those things perhaps in a way that even three or four years ago people were not talking. I think we should see that as a positive sign, that we have people thinking, talking, doing things about health. What we cannot guarantee to do however is come behind every aspect of that and inspect it. So we have to be careful that we do not over-expect what inspection can do, even in a joint arrangement such as this.

Q122 Chairman: That leads us to some very interesting questions because, in a sense, on the one hand, the public could quite fear that your inspectorate would really in theory inspect almost everything. To give you an example of that, some of the questioning is directed, of course, to Anna because it is the health sector that has less of a history of working across the piece in cooperation. All of us, as constituency MPs, know the difficulty of that relationship with people like individual, single-handed GPs, health visitors and so on. The health system has its great strengths and also its great weaknesses. I suppose the crunch comes, Anna Walker, in terms of sharing of data, does it not, and just how that is going to work across the piece? Let me give you an example. If a GP knows that a patient is a drug addict or an alcoholic, and that might lead to the vulnerability of the children of that family, is that to be shared across the piece?

Mrs Walker: There is, of course, huge confidentiality about the position of an individual patient but it is often the case that we have a lot of information that we can aggregate and which actually then does tell us something about drug misuse in a particular area or obesity in a particular area or issues about children's health which we can then use to ask questions about that health care organisation's activity and we can use, with the setting of targets which can reflect local needs and can encourage improvement in the system—because, as I am sure you know, from 2005–06 the strategic health authorities are going to be looking at local targets with the local organisations, and our job will be to monitor against those targets. Those targets, I think very encouragingly, are explicitly to be not just about health care issues but to be drawn up alongside local authorities so they take account of the health needs of the population as well. There is something else actually that we are trying to put into the system, which is about encouraging health care organisations to look more broadly at the health, one way or another, of the population, and that is that for the first time from 2005–06 the assessment of the health care organisations is not going to be just a question of our assessment of that organisation, but it is going to take account of the views of local partners as well, so the patient forums, the local authorities, the strategic health authorities

are actually drawn for the first time into the arena of whether that local health care organisation is performing for the broader needs of the population. In a sense, there is a bluntness in the instrument, but what we hope is that it is encouraging it in the right direction.

Q123 Chairman: We can see, Anna Walker, that that is a good answer in terms of how you are going to drive up systemic improvement—we can understand that—but it does not really answer the question I asked about sharing information and what is going to be a protected piece of information about an individual and what is going to be shared. Earlier in my questioning I asked about the difference between protecting the average child and the vulnerable child. We all know that one of the real problems is how quickly you can flag up that a child is vulnerable, and in my experience as a constituency Member, it is the health visitor who has access to domestic property is a crucial one, whereas a social worker will very often be kept at the door. That has certainly been my experience historically. It is A&E when a child is brought in with unusual injuries. If all this inspection is not going to end up with any shared information, at what stage does a GP, a health visitor, a hospital doctor say “I think social services ought to know about this”? What is the improvement in the system if they cannot do that?

Mrs Walker: Our own code of practice and those of the GPs and the health care workers is to share that information when they believe that there is an issue that actually does need to be investigated and pursued. That is our own role, set out in our code of practice for how we deal with this question of confidential information, because in some cases we recognise that the issues are such that that confidentiality may need to be breached for broader purposes.

Q124 Chairman: Where is that code of conduct?

Mrs Walker: That is our own code of conduct, something that we have actually consulted on, making it clear that when we do believe that we, as an inspectorate, are in receipt of a piece of information which we believe needs to be acted on, we can act on it even if there is a breach of confidentiality, but we will try to protect information about particular patients or circumstances where we can.

Q125 Chairman: So in order to get that information, would that individual case have to be put to you?

Mrs Walker: No. What is most likely to happen actually in our particular case is that somebody comes to us with some serious concerns about a particular case, and we get that through complaints and also through procedures for whistle blowing activities for staff. Those issues we will take very seriously indeed, and we will investigate or pursue as necessary if we believe—our phrase, and I am sorry because it sounds so bureaucratic—that there is patient safety at risk. Our whole system is geared to ensuring that we act as we can.

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Q126 Chairman: How would that work in a school, David, in terms of a child that was coming to school and there were clear signs of something pretty disturbing going on in the home background? How bound are you by the sensitivity of that information?

Mr Bell: We have quite a lot of experience of this, Mr Chairman, particularly in our Early Years work, where often complaints are brought to our attention. We make the general point that we are not a child protection agency. However, we have information and we are prepared to work with those that are responsible for child protection. So, to take your specific example, if, say, during the course of an inspection—and this would be very unusual on a school inspection—an inspector picked up some information, their responsibility would be to feed that information to the head teacher, who in most cases would be the designated person responsible for child protection, who has certain responsibilities to inform local social services. Similarly, in relation to our work in early years, if a parent phoned up and made a complaint and we felt that complaint was beyond a complaint just about car parking outside the child minder but actually raised some very serious issues, we have established protocols within Ofsted about how these are dealt with, and we certainly have a within-the-same-day notification to the local social services authority where we have a child safety or child protection issue. I think it is important that the inspectorates, whilst not child protection agencies *per se*, have in place systems for doing it. The other comment I was going to make about this whole issue is, Mr Chairman, I hope you will be reassured to know that in one of the elements of our framework that we are consulting on, one of the ways in which we will judge the effectiveness of the management of services for children and young people is the extent to which they work co-operatively with partners to share information. It is a key issue for us in the inspection system. One is to look at the individual child or person concerned, but you would see what shared protocols there are, what the procedures and information flows are, because if they are unclear or people are uncertain about them, that should cause us some concern, in particular the sorts of examples you have described where information really does need to be shared between agencies.

Q127 Chairman: You can see why the Committee wants to probe this, because the creation of the Children Act is very much related to a particularly tragic case—not entirely—and the public would feel cheated if we had set up a whole new framework that actually did not address the ability to be more sensitivised to when those sorts of vulnerable children were really at risk.

Mr Bell: We need to be sensitivised to them, and I think that the way in which we have put this together demonstrates how sensitive we are to those gaps in services, those information flows. What I would want to say though, Mr Chairman, is that on inspection, however effective our services are in local areas, we can never give an absolute guarantee that a child will never come to harm again. What we try

to do at service delivery level and inspection is to try over time to identify the greatest risks, and then seek to minimise those risks, hence the priority given to information sharing, because that appears from some of the headline cases to be one of those areas that is of most vulnerability.

Q128 Chairman: But we do know that sharing of information is the key to this, is it not? All the history shows sharing of information and knowing across the piece. There are areas of confidentiality that make that difficult and that is of concern to all of us that want to avoid another tragedy. They will occur. We are human beings. There will be others, but what we are trying to push you on is that in a sense we know in institutions, in pre-school settings, in anything that is institutional, your remit will run. What about the more marginal areas, the work that Professor Pascal has done in Birmingham about children that disappear because they are in refuges, that are very difficult to track? Do you have a competence over places like refuges? How does that operate, when you get to the difficult things for bureaucracies to follow?

Mr Bell: This week, for example, we commented on those young people who disappear from the education system, and actually, one of the points we made this week is that these young people become more and more vulnerable because they are often wandering the streets, and, if they are below 16, they are certainly not under the care of any educational establishment. It is in a sense by definition harder if they are outside the system, and what we have tried to do is to bring in services. To give you a specific example, when we carried out some work looking at alternative provision for key stage 4 youngsters between the ages of 14 and 16, we were quite surprised how much of that was unregistered, and we made the point about that. Some people said, “That’s just bureaucracy. These agencies are providing good services.” I would actually argue it is far more than bureaucracy, because if you do not have registered provision, there is no requirement to say who is there, and if you do not know who is there, how do you know what is going on? So I think it is important that, if we can identify those different sorts of services that provide, we have them within the orbit not of bureaucracy or regulation but in the orbit of sight, so we can see them and we know what is going on.

Mr Behan: It is a fact that the current guidance that all authorities work under in relation to sharing information is “Working Together under the Children Act”, and that lays out quite clearly the duty that individuals are under to share information where they think the safeguarding of a child is an issue. What Lord Laming’s report into Victoria Climbié exposed are the issues about that being implemented at a local level. So one of our roles as inspectorates is to ensure that we are focusing on precisely this group of children that you are exploring in your questioning to make sure that those children are indeed being protected. So, as David said, we will look at the arrangements for partnership that are in place, particularly the new

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arrangements for replacing child protection committees, safeguarding boards which will operate at a local level. We will want to know that they know the children that are in those communities that are at risk and that there are robust plans in place to deal with them. As David said, never say never, but what we are looking for is to ensure that people are clear about those and, as you said, what the Victoria Climbié case identified is children that previously had not really been seen by authorities: a child from Africa into France and then from France into England. I think what that has done is heightened the awareness of how systems need to operate at a local level. Our role as an inspectorate is to ensure that we are clear in the way that we are working with authorities at a local level about how they identify the children in their area, asking questions, not just about children that may disappear but children that we know about, children that may be involved in prostitution, for instance, all those groups, to make sure that there are partnerships in place locally that are working to develop those services. I think that is a distinction I would draw between our role as inspectorates and what the local services need to be doing about sharing information. If as part of our inspection activity we are looking at a particular case or indeed speaking to a child or an adult, and there are particular concerns reflected to our inspectors, then again, we have protocols to share information about what that child or that adult share with us. One of the things behind Helen Jones's question took me back to the debate that was going on around the time the Green Paper was being developed on the back of Lord Laming's recommendations, and it was about the importance of services intervening early and developing preventative strategies. So to go back to the outcomes that we were talking about earlier, there are a number of outcomes in there about prevention: preventing suicide, preventing children being absent from school, which are all designed to ensure that the appropriate preventative action is being taken to ensure that there is that web of services at a local level designed to prevent some of the problems that might occur to children. Again, our job is to ensure that partnerships are in place, and they are aware of the needs of children, and preventative strategies are being adopted, not to intervene when problems have become acute and chronic but to intervene at an early stage to ensure that children are not passing through services, particularly vulnerable children, so that we are getting that fabric of services around them. A lot of the debate about how local partnerships will operate through early years work, for instance, are designed to identify problems that might occur at a later stage and begin to weave that web of services that there needs to be at a local level. One of the questions we might ask as inspectorates on a children's inspection would be about the fabric of preventative services that are being developed at a local area and whether it is related to the needs of the local population so that services can be targeted and directed. As my comments suggest, I think this is one of the key areas. We need to make sure that

we are looking at vulnerable children as well as at all children through the inspection activity we take forward.

Q129 Valerie Davey: It seems to me that if as an education service we have lost 10,000 children off our books, then all the sensitivity about the issues you are talking about becomes almost irrelevant. Victoria Climbié was known: she was known to social services, she was known to the church, she was known to the school, and we failed her. What about the children who are not known, and what about this 10,000? I do not think we can go on. I can remember coming into national politics in 1997, when there were 13,000. It is give or take that figure still. What are we doing about those 10,000?

Mr Bell: It is an issue that we do look at and we will continue to look at in the future under this framework, what local authorities and schools are doing. It comes right down to that level. What is the institution that knows those children best? It is the local school. Every child has to be registered either on the books of a school or in a pupil referral unit. What tends to happen in some cases, sadly, is out of sight, out of mind. Do not forget we are talking about some of the most damaged and difficult young people, and if they do not turn up at school, sometimes people think "Thank goodness they are not here," because it is less hassle for everybody else, including students and teachers. People do feel that, and what happens is these youngsters drift off, and then after a while there is a referral to an education welfare service, and actually, it then becomes more and more difficult. We should not lose sight of the number of young people, certainly of 15 plus, who are away from home and are actually out all together. So it is not a case of somebody can go up to their house and knock the door and say "Why is such and such not at school?" Many of these young people just go elsewhere. I think the issue starts all the way back that, however difficult a young person is, it is the school's responsibility to alert those services that are going to do something alongside the school as soon as possible. I agree with you. I think it remains one of the most alarming aspects of our education system that so many youngsters just drop out of view.

Q130 Valerie Davey: So the outcome of staying safe is fundamental, and the less we know that children are safe, then we cannot actually implement the other outcomes.

Mr Bell: It is a bit like school attendance, when we say "If you don't turn up, you won't learn." If we do not know where you are, how can we tell if you are safe?

Q131 Chairman: I was just pondering on some of the answers we had, Anna Walker, from you. I have a note from one of our special advisers that the Royal College of GPs has indicated they would be prepared to share sensitive information about particular cases within the primary health care team but not beyond

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that, and especially not to the sort of database envisaged by the Children Act. Is that an accurate reflection on the situation?

Mrs Walker: I am not aware of that position. I am again very happy to take that away and come back to you on it, and to see whether that position is consistent with the statutory requirements.²

Q132 Paul Holmes: The emphasis in *Every Child Matters* is on integrated inspection teams. What exactly will one of those look like in practice? How many people will there be on it? Exactly a quarter from each organisation, or what?

Mr Bell: Not necessarily as arithmetically precise as you describe it. A team might be somewhere between half a dozen and eight people. We would certainly expect representation in the main from CSCI and Ofsted. There will be somebody from the Audit Commission as well, and crucially, going back to what Steve said earlier, they will act as a bridge between the joint area review work and the wider corporate assessment work, and in some ways that is the sort of practical embodiment of the integration that Steve has described. In our inspections, based on what I said earlier, we will deploy inspectors from other inspectorates, including the Healthcare Commission, depending on the circumstances of the area. So, for example, we might be in an area where there were specific issues around juvenile justice, and therefore we might call upon our colleagues in one of the criminal, justice inspectorates. We are not going to be absolutely precise in every circumstance. Part of our rationale for this is that you have bespoke inspection teams to deal with particular circumstances, but that is broadly how it is going to look.

Q133 Paul Holmes: So do the various organisations envisage that they will have specific inspectors who are trained to do this type of work and they will not be working on other projects?

Mr Bell: We have had quite a big debate about this around the table. I think our view as a steering group of chief inspectors looking at this was we did not want people just to dip in and out with no specific training, one week here, one week there. I think it is important, particularly for those that will be doing this for the majority of their time, to have a substantial training and experience in it. Of course, circumstances will dictate. Sometimes you have to do it, but certainly from CSCI's perspective and Ofsted's perspective, we are likely to have a cadre of people who will be doing this for the bulk of their time and we think that is the right way to do it, because this will require specialist expertise and we think it is important we devote sufficient resource to doing it.

Q134 Paul Holmes: Why the difference then from Ofsted's point of view? ATL, in the evidence they have submitted, have said—and they will be reassured by what you have said, I think—that the

current practice of using contracted-out casual labour for school inspections has made it more difficult for Ofsted to get consistency of expertise and judgment. Why adopt a different approach for this type of inspection?

Mr Bell: The ATL certainly framed that in a particularly pejorative manner, it has to be said. The point is that we want to use in the main full-time inspectors working on this business. That would be consistent in fact with what we have done in our previous lives. For example, when we work with the Audit Commission on LEA inspection, although we use some people as additional inspectors, in the main it is the full-time staff of Ofsted, and it is the full-time staff of the Audit Commission. It has been the case in the work we did previously for the social services inspectorate. In the main, we use our full-time staff. You might say that still does not answer the question of why there is one approach in one sector. There is simply an issue of numbers. You have 24,000 schools to be inspected. We have 150 upper-tier authorities to inspect if one is looking at the council functions, and therefore it is more do-able to do it with your own staff. Certainly I know that historically, the different organisations have had additional inspectors to join their teams, although these have often been people who have been quite experienced and built up an expertise in this kind of inspection activity. There is one other comment I would make about this—we have made it twice before and I think we should make it again—there are certain things that we will no longer be doing as discrete inspection activity, and we think that is part of our contribution to making the inspection system more proportionate. There will no longer be a freestanding local education authority inspection, there will no longer be a connection service inspection, there will no longer be a 14–19 area inspection, and my colleagues will be able to cite the things that they will not be doing. That is very important if these arrangements are going to be proportionate, and we think that is a vital principle, and it is an important way of reassuring people that we are not going to over-inspect them.

Q135 Paul Holmes: Steve said earlier that they had already started training inspectors for this role, and David Bell said the same, and you are going to expand that after Christmas. How joined up is the training? At the moment is it separate training for separate institutions?

Mr Bell: No. We are bringing the people together to train jointly. We think it is terribly important. Steve might want to talk about the corporate performance assessment part of CPA, because obviously that is separate, but certainly Steve's colleagues will be part of joint area review as well, and they will be part of that training. No, it is a very important principle that the people that each of the inspectorates are likely to use come together and train together. That is terribly important. It would just miss the point if we went off and trained our own people completely separately.

Q136 Paul Holmes: So the training that both of you referred to as already having begun is joint training?

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Mr Bundred: The training which has already begun in relation to corporate assessment has not been joint training yet, but those people who will be undertaking corporate assessments will additionally receive joint training for the role that they will play in the joint area review.

Q137 Chairman: What about early years? You have two levels of inspection at early years already. You do two different kinds of inspection depending on the early years setting.

Mr Bell: That is driven by legislation. We have Children Act inspections, which are the functions that Ofsted took over in 2001. In fact, we have three inspections actually, because we also have what are called section 122 inspections, which is where nursery education has an education component previously started under the nursery voucher scheme, and thirdly, we have section 10 school inspections, which also covers the early years. The Government's child care strategy which was published a couple of weeks ago by the Chancellor lays out a medium term intention for regular reform in this area post 2005 and we are all for that, because I think it is fair to say that the legislation is overlapping.

Q138 Chairman: You do not think inspection in early years is good enough yet?

Mr Bell: I think there are confusing overlaps. So, for example, we can turn up at a school which provides both child care and its normal business, and actually by legislation have to report separately. Under our new arrangements for school inspection we are going to make that a single inspection activity. It is something in fact we have not actually discussed this afternoon, but one of the other dimensions of children's services inspection is that we inspectorates already have to work together, for example, in residential boarding provision. As far as we can, we are aiming to inspect together at the same time, so that we avoid the burden of a provider saying, "Last week I had them, this week I've got you and I've got somebody else next week." I think there is regulatory reform still to come on this one, absolutely, and we are up for that.

Mr Behan: There is a whole raft of our work about the regulation of services which we also think needs to be reviewed. We have recently issued a consultation document to look at the changes in the regulatory framework. The examples are we would regulate children's homes, independent fostering agencies, independent adoption agencies, so there is a similar need to get coherence about our inspection and regulatory activity across the piece, which sits next to the questions you are asking David about in relation to early years services. So we have begun the process of how we carry out the joint area reviews and integrated inspection, but we need to incorporate into that the judgments about how we regulate services at a local level and get even further coherence. Some of that requires changes to minimum standards in the regulatory framework itself and in some cases primary legislation. So it is important we carry those discussions back to

Government about how we can look at the regulatory framework to ensure that there is coherence. There are some areas where we have duplication around the licensing function of fostering services; we are responsible for inspecting local authority fostering services and independent fostering services, so we could go into a local authority and ask them about the fostering services immediately following having been in currently to do a children's inspection. We think that is a layer of overlap and duplication which is not necessary, so to get a more elegant fit of the way we carry out these functions is important. There is much more to do. We have begun a process of reform and modernisation but there is more to do.

Mr Bell: I think there are some important questions to ask about where we should stop regulating, never mind eliminate overlap. For example, one of my colleagues says that I should get out of the Whacky Warehouse. I do not think they mean me personally, but if you go to the Whacky Warehouse creche facilities, up on the wall you will see my signature saying that this Whacky Warehouse is suitable for use, so says Ofsted. If that is the kind of couple of hours maximum creche facility, you might see it on the Ikea ball park or whatever, is there a question about whether the state should be regulating that kind of activity? That opens up all sorts of other questions. People say, "It's not as safe as it might be if you are not regulating it." I think there is a very serious debate to be had about the future of regulation and where we regulate and being more intelligent, to use an expression that Steve cited, and get out of regulating things that perhaps we should not be regulating.

Chairman: That may be true, Chief Inspector, but the fact of the matter is that when we did our early years inquiry, what was evident from that—and Helen and Val will remember this—was that what was of great value, reasonable high quality delivery at the earliest stage, even in terms of the setting of the Whacky Warehouse, was that you picked up problems early on. In the case that we were looking at, special educational needs problems could be looked at and moved on much earlier in a child's development. I hear what you say but I think we have to have a longer conversation on that before we would be fully convinced. Even in terms of the vulnerable child, the earlier you notice the child is vulnerable the better.

Q139 Paul Holmes: Ofsted's empire grows and grows: schools, FE, nurseries, play groups, child minders, Whacky Warehouses and now you are the lead organisation covering everything from health to social services in this respect, yet like all the rest of the civil service, you are supposed to be getting rid of 20% of your staff. Can you take on all the extra functions and get rid of one-fifth of your staff?

Mr Bell: The important thing to say in relation to children's services is that we are collaborating with other organisations, and it has been a serious consideration for all of us. It is not just Ofsted that is subject to these reductions; my colleagues here in all the inspectorates are subject to the same

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requirements. The other financial pressure, if I can put it that way, probably comes from the centre of Government, saying what is all this going to cost? Is it more burdensome than it used to be? We have devised a system that we have to be able to fund within our existing and future budgets. That is the case for Ofsted; we factored this into the budget reductions that you have described. I know my colleagues have said exactly the same. They will fund the contribution that they are making to this, and they are going to have to fund that against a reducing base, because all of us are having to make reductions in line with the Chancellor's spending programme.

Q140 Paul Holmes: Their silence presumably means they agree with you. They are all happy that they can do this within the framework of losing staff and within existing budget levels as well. Is that going to affect the balance of what an inspection is? How much of it is desk-based analysing of information and how much of it will be going out and interviewing people?

Mr Bell: In the best sense, you have a desk element. Do not forget, as we have said, we draw upon other field work that has previously been collected. If one looks on a desk at the findings of institutional inspection, that in itself has been derived from inspectors on site finding that out, so in a good sense you are drawing upon existing evidence. We have said that, as far as field work is concerned under joint area review, that is likely to be either in areas where we have insufficient evidence generated by a previous inspection activity, or where we have particular concerns. You would expect us to do that, to use our scarce inspection resource wisely and sensibly. Going back to the point, we cannot and should not inspect everything that we could conceivably inspect when looking at children's services. We have to be smart in making those decisions.

Mrs Walker: Health care is a huge remit, and quite clearly we do have to take decisions to match the resources that we have available. We are very clear that these issues relating to children, the joint area reviews and some activity of our own in relation to children is extremely important for us. The second point I wanted to make was that you talk about this balance of analysing information and visiting, the more traditional inspection. We believe that the only way we are going to be able to carry out what we need to do going forward within the resources which, quite properly, the Government is saying there is a limit to, is actually to use the analysis of information precisely in the way that David describes; analyse the information and visit where you have a concern or you think there is a gap, and we believe that only in that way can we get it where it matters.

Chairman: Some of us might feel that the policy that says a 20% cut right across the piece regardless of the service might also come from the Whacky Warehouse.

Q141 Mr Pollard: I remember, David Bell, you said some time ago that you were starting a lighter touch with your inspection, yet I can remember when you first started with nurseries and play groups, I had a group come to my surgery and said it was like the Gestapo going round. I did report that at the time, much to the disgruntlement of your colleagues. Is it likely that you will be able to maintain a light touch in this new regime, bearing in mind that you are starting a new process that nobody really knows about just yet?

Mr Bell: It is a big question, and it really has exercised our collective minds when we have been putting this together. We recognise that we have to and we want to, under the instructions of the Minister, to do field work in every authority in this first round of joint area reviews. That will help us to establish a baseline, but I should say it will not be the same field work in every place. We will use that evidence base to determine how much field work, so right away you will have proportionality in children's services. To take an example, if you have, via the evidence that Ofsted and the Commission has, evidence of high-performing education and children's social services functions, and you have a range of other evidence, including corporate performance, suggesting that an authority is doing well, it will be a very light touch experience. We are not starting off with a one size fits all. I think we are all very clear, if for no other reason than we cannot afford it to be a heavy touch everywhere. I would like to hope to persuade you that we would not choose to have a heavy touch everywhere. I think it is about strategic regulation, smarter regulation and, in a sense, going where we are going to have most impact and most value.

Mr Bundred: The only thing I would add to that is that there is also a commitment on all our parts to evaluation. So as well as piloting the approach, we will have some independent assessment of whether we have achieved the objectives that we have set ourselves such as the ones David has just outlined.

Q142 Chairman: Where is that independent assessment coming from?

Mr Bundred: That is yet to be commissioned.

Mr Bell: We have not commissioned it yet. We are going to do it as an independent assessment, so we will do our own internal "What has it felt like?" in the back of the pilots, and we have committed some inspectorates to commissioning external evaluation probably after the first year or so.

Q143 Chairman: Who will do that?

Mr Bell: I do not know. It could be a university. It could be a policy organisation. I genuinely do not know.

Q144 Chairman: It is an interesting question: who inspects the inspectorates? At the end of the day, who does? Is it the Department? The Department for Education and Skills is the lead department. Who at the end of the day says, "Come on, all this inspection is not working" and pulls the rug? It will be the Department, will it not?

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Mr Bell: Chairman, I seem to recall we have had this conversation on previous occasions with this Committee.

Q145 Chairman: There is more of you. You are growing like dragon's teeth.

Mr Bell: I think the Department, possibly Departments, will have a view on this, and clearly they are expressing views, whether it is the Office of the Deputy Prime Minister or the DfES. They are looking to the outcomes of inspection, but I think we just felt that it was important to have an external commissioned evaluation that will be able to get our experience of doing the inspection as well as find out about the experience of those being inspected.

Q146 Chairman: The Children's Commissioner cannot say, "Look, you are not doing a good job," can he or she?

Mr Bell: The Children's Commissioner may have a view on how well we are meeting our objective laid out in this framework to solicit the views of children and young people. In fact, I would be very surprised if the Children's Commissioner did not want to comment on that. I would have thought they would be looking at the inspectorates to determine how well we are doing our job in that regard.

Q147 Chairman: So the Commissioner could blow the whistle on you?

Mr Bell: I think it is very possible the Commissioner could say "You are not doing enough for children and young people" via this process.

Q148 Mr Pollard: I was pleased, as we all were, to hear that children were consulted about the five outcomes. That was excellent news. Are you going to involve children in the inspection bit?

Mr Behan: I think it is a really important question. It was at the heart of how I would have answered Paul's question, because whilst we want to be light touch and proportionate, it is also important where we visit that time is spent with children, and indeed parents, because often some of the issues are about how parents are supported to parent. So we can ascertain their views about their experiences of services. That will be a key criterion for whether services are delivering positively and meeting the needs of people by asking people that are using the services. We need to be quite careful that when we do the field work, we are not just focusing on the strategic issues, but we are focusing on the way services are delivered at a local level, and when we are looking for the evidence about how well those services are delivered, that time is spent with people that are using the services about their experiences of services. So we are not just asking front-line staff or senior managers but we are asking people that use services. We have spent a lot of time in designing the methodology to ensure that we have activity going on to speak to children and to their parents about how services are being met. The Children's Rights Director in the Commission will need to work with the Commissioner on this, because the Children's Rights Director by statute has a responsibility to be

aware of what is happening in regulated services—that is boarding schools, children's homes, fostering services—and the Children's Rights Director carries out a lot of consultations during the year about children's experiences of services. We have just published a report on Safe from Harm, and a report on children in boarding schools and what children think of boarding schools. So I think it is important that the children's rights director and the Commissioner work together and do come back to us as inspectorates about what children are saying about their expectations of services, about the qualities children expect to see in services, and making sure that we in turn are asking local authorities the right kind of questions about the way that they are meeting needs at a local level. I think this is a really important relationship and we are clear that we can judge services as being effective where children, young people and their parents are saying "These are good services; they are meeting our needs."

Q149 Chairman: Interestingly enough, some of the people that we are talking to or talking about in our prison education review at the moment, we get the sense that we are asking people what they thought of the service, because they are the very children we talked about earlier that disappear out of the system at an early age. David Bell, you must feel a bit worried about all this because, in a sense, you experimented with consulting with parents and you do not think it works, because on two fronts you are changing the method or giving up on parents, are you not?

Mr Bell: Certainly not.

Q150 Chairman: Inspections are not going to include parents in future, are they?

Mr Bell: That is not correct, Chairman. What we are not going to do under short notice inspection is have a parents' meeting, but as we are already finding through our pilot inspections, parents are continuing to make their views known to us. So for example when a letter goes out, even at short notice, informing parents of an inspection, they are able to make their views known, and we have found on a number of different inspections carried out so far that parents have been in touch. We are absolutely up for involving parents. It is worth remembering that Ofsted was set up to provide that information to parents. We have a question mark based on our evidence of increasingly limited attendance at parents' meetings in advance of inspections. We have the evidence that that is not as effective as it was 10 years ago, but we are absolutely committed to continuing to get the views of parents and have those views inform our inspections and our inspectors.

Q151 Chairman: The new Education Bill also takes away some aspects of parental involvement does it not?

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Mr Bell: Are you referring to lay inspectors?

Q152 Chairman: Yes.

Mr Bell: Mr Chairman, again, on this point, I find it hard to be persuaded that if somebody has done 250 inspections as a lay inspector that they are actually a lay person inspecting. You may be a highly competent inspector but I think it is hard to argue that you are a lay person bringing a unique perspective. We want to ensure that the best inspectors continue to inspect, and some of those

people who have been designated lay inspectors I am sure will come into the new system, but I think we can capture the views of lay people. We have been consulting on this issue recently. I think we have to do it differently to make sure that we get those views and continue to get those views to inform inspections.

Chairman: David Bell, David Behan, Steve Bundred, Anna Walker, we have learned a lot. I hope you have enjoyed the hospitality of the Select Committee, and we will be seeing you again. Thank you very much.

Supplementary memorandum submitted by Anna Walker CB, Healthcare Commission

The Committee asked about the 25 aims for children published in *Change for Children*. Healthcare Commission staff working on the integrated inspection were involved in drawing up both the 25 aims, which give more detail to the *Every Child Matters* outcomes; and the 42 judgements, which will form the core of the Joint Area Reviews (JARs). Whilst the aims are a reasonable representation of what is entailed in each outcome, it is the judgements that we shall really be seeking to understand thoroughly, as we progress through the pilot JARs towards full rollout.

The Committee also asked about information sharing and the database proposed in the Children Act. The Department for Education and Skills is currently consulting on information sharing on the children's database and we would prefer to wait for the outcome of the consultation before commenting.

17 January 2005

Monday 20 December 2004

Members present

Valerie Davey
Jeff Ennis
Paul Holmes

Mr Kerry Pollard
Jonathan Shaw

In the absence of the Chairman, Valerie Davey was called to the Chair

Memorandum submitted by the Association of Directors of Social Services

1. INTRODUCTION

1.1 The ADSS represents the Directors of Social Services in England, Wales and Northern Ireland. Directors of Social Services are responsible through the activities of their departments in local authorities with social services responsibilities for the well being, protection and care of vulnerable people including children in need and their families, older people, people with disabilities and people with mental health problems.

1.2 The ADSS works through a committee structure. The Children and Families Committee works to promote better care and upbringing for children in need, in liaison with organisations in the statutory and voluntary sector and maintains close links with government. The ADSS has a wealth of evidence regarding the provision of services for children in need and a clear view on the future of children's services.

1.3 ADSS welcomes the opportunity to submit evidence to the inquiry set up by the Education and Skills Select Committee into "Every Child Matters".

2. THE CHILDREN ACT 2004

2.1 The Association has been closely involved in the progress of proposals for the development of the children's agenda from the earliest stages, both on our own and in partnership with key agencies in the statutory, voluntary and community sectors. Though there have been significant developments in the year since the Association's response to the Green Paper, "Every Child Matters" (ECM) was written, the principles it contains still encapsulate our position on many of the key issues. Some of the core messages which still pertain are:

- Government should set out a national framework, national standards and national inspection processes.
- We welcome the key role for local government and local partners in this Paper. Nationally prescriptive structural change will not achieve local change or of itself solve policy, practice and safeguarding issues.
- The focus should be on outcomes not models and methods of delivery.
- Local solutions to the expectations and requirements of government are likely to be more successful in achieving cultural and behavioural as well as organisational change.
- Every relevant organisation should be tied into the process, not just two local government services—there needs to be appropriate prescription to ensure this happens.
- There are serious risks that a rushed process will undermine the achievement of the vision and increase the risks to children rather than improve them.
- Time is needed—to test and evaluate new models of working—and to base change on evidence informed practice.
- Current resources in the system are insufficient and it is not safe to assume that it is possible to create new resources through the proposals in the paper—in fact the proposals will cost more at least in the short term.
- There needs to be a major focus on the workforce—immediately as well as in the medium and long term.
- Political leadership and engagement is crucial at local as well as national level.

3. THE DUTY TO COOPERATE

3.1 From the outset ADSS and other partners have been keen to ensure that all the key stakeholders have a legal duty to collaborate placed upon them. The rationale for this is that only through prescription can we expect to achieve nationally prescribed standards. If some crucial partners have the autonomy and choose not to collaborate it is possible that the best efforts of the other partners locally will be compromised. This would impact adversely on the experience of children in that area.

3.2 The Children Bill has now completed its passage through Parliament and schools have not been named on the face of it with a duty to cooperate. General Practitioners are also exempt.

3.3 ADSS considers that despite this, there are other powerful drivers which will help to ensure the compliance across the country by schools which will be necessary to deliver the outcomes stipulated as the aspiration for every child. Legislation is already in place (Education Act 2002) which places a duty on schools to act in a way that safeguards children and promotes their welfare. Schools are also required to act in a way that promotes community cohesion. Failure to cooperate could place schools in breach of these Acts.

3.4 Another key incentive where it is necessary will be the Integrated Inspection Framework requiring schools to demonstrate the contribution they make to the achievement of children in their area of the five outcomes which underpin the vision of ECM.

3.5 The inclusion proposals, unveiled by the Secretary of State recently, for all local schools to share the allocation of hard to place pupils between them are welcome. Where it works as suggested this should ensure that there is not a concentration of previously excluded children in a few schools, compounding discipline problems. It is not though clear what compulsion there will be if local agreement cannot be reached and where oversubscribed schools continue to refuse a share of these children because all their places have previously been allocated.

4. INFORMATION SHARING AND UNIQUE IDENTIFYING NUMBER

4.1 Good decisions about the necessary intervention for children can only be taken in the light of sufficient information about their circumstances. Decisions about Victoria Climbié were made on the basis of partial information, rather than a comprehensive picture made up of information held by different agencies. It is a familiar pattern that the pieces of information available about a child only become pooled following serious injury or death. This must call into question the clarity of the current legislation and the thresholds which currently apply for sharing information between agencies when there is concern about a child. It is quite clear that where there are specific child protection or youth justice concerns, agencies may share what would otherwise be confidential information. It is very often the case that initial information is either unclear or falls short of those trigger points and unless there is consent, agencies will take the view that they are bound by data protection or human rights legislation to maintain confidentiality. Different interpretations by lawyers make decision taking in this area more complex and risky for frontline practitioners.

4.2 Specific decisions in this area reflect potentially conflicting underlying principles, each of which should hold in different circumstances. On the one hand it must be possible to share information about children without consent which will help to protect them from harm and on the other, children and families have a right to confidentiality and to privacy in relation to personal information. The current balance is set more in favour of the latter, sometimes to the detriment of the former.

4.3 Although there are no predictive indicators which will reliably identify in advance which children will be harmed, there are risk factors which are commonly associated with abuse and the presence of these in a family may contribute to a justifiable lowering of the threshold. Mental health issues and domestic violence may be just two of these. Decisions about whether and what information to share will always be a matter of professional judgement, based on an assessment of all the circumstances, though clearer guidance is necessary.

4.4 ADSS welcomes the learning that the pilot areas on information sharing and assessment are developing and would advocate a thorough evaluation from all of these to allow the successful models to be ascertained and applied. The reasons for success also need to be made explicit because it could be the model, the application of it in local circumstances or the leadership which has delivered the benefit.

4.5 In relation to the unique identifier for children ADSS is aware that this has been the subject of thorough research and consideration. It is acknowledged that there are strong reservations in some quarters about the use of the NHS number both because of confidentiality issues and for technical reason. There also continue to be doubts about the use of the National Insurance (NI) number as there are reported to be in the region of 70 million issued, considerably above the total number of the population, compromising any claim to be unique. Tellingly Victoria Climbié would not have had an NI number.

4.6 Whatever the outcome, it is crucial that a credible explanation is offered for the choice in order to gain backing and ownership and that robust arrangements are put in place to ensure that all children are covered.

5. THE NHS PRIORITY FOR CHILDREN IN NEED

5.1 The Kennedy Report into the paediatric cardiac surgical service in Bristol in 2001 indicated that it was “an account in which vulnerable children were not a priority, either in Bristol or throughout the NHS”. It is absolutely clear that the full engagement of health partners is crucial to the effective delivery of services to the most vulnerable children. The importance and role of health professionals, especially GPs in promoting the wellbeing and protection of young children and those with disabilities cannot be underestimated. Children are not the largest group of service users in the NHS and child protection work does not have a high profile among paediatricians. Following the publicity around the role of paediatricians in the Victoria Climbié Inquiry there has been additional concern that even fewer doctors will be attracted into this work.

5.2 Given that the responsibility for children’s health issues remains with the Department of Health (DH) while the Department for Education and Skills (DfES) holds the wider brief for children’s services, it is essential that there are consistent messages and priorities across government. At a local level there is an expectation of seamless integration across all the relevant services for children. The document from the DH on the implementation of the National Service Framework for Children is due to be published in December and it is important that the messages contained in it cohere both with those in the document written by DfES and to be launched on 1 December 2004, “Every Child Matter: Change for Children” and with the DfES five year education strategy.

6. RESOURCES FOR CHILDREN’S SERVICES

6.1 The vision in the Seebohm Report was a preventative one with universal access at the point of need but it became diluted with scarce resources focused increasingly tightly on the relatively few with very high levels of need. Access to services became defined by eligibility criteria, so derided in the Victoria Climbié Inquiry Report.

6.2 Historically there has been a significant gap between the funding available to all agencies to deliver children’s services and the amount needed. This has been evident for children’s social care services in the surveys undertaken annually by the ADSS, the Local Government Association (LGA) and the Society of Treasurers.

6.3 Broadening the constituent population that can have early access to preventative services has to be reflected in the resource base available to all key stakeholders in the childcare sector. ADSS has for several years been asking for a review to be commissioned to examine future social care trends and the level of resourcing needed to ensure that local authorities and other agencies can provide the high quality services which are necessary for children and to which all agencies aspire. This would be along the lines of the review carried out by Derek Wanless for the NHS in 2001. This has not so far been forthcoming and there is a real possibility that it would reveal a significant mismatch between need and resources.

6.4 ADSS with LGA is in the meantime undertaking a piece of work to ascertain the additional costs involved in implementing successfully the changes that will be required by the Children Act 2004 and the change programmes being instigated in some representative authorities.

7. SAFEGUARDING CHILDREN

7.1 Safeguarding will only happen effectively if it is everyone’s business. Sustainable change will only be possible if communities are involved in identifying the issues that need to be addressed locally and in ensuring that the necessary outcomes for children are secured.

7.2 The reform agenda now underway seeks both to enable the earlier identification of children in need with a view to preventative action and also to ensure targeted services are made available to the most vulnerable children. Schools have always had and will continue to have a crucial role in the identification of children whose needs are not being met, partly as a result of their close contact with a huge proportion of children aged between four and 16 years.

7.3 There is a risk that with a renewed focus on the provision of more childcare for primary school children and the emphasis on children’s centres that the intensive services for the most needy children will slip from view. While ADSS supports the thrust of preventative effort there will always be a need for highly specialised services for those most at risk of harm.

8. CULTURAL ATTITUDES TOWARDS CHILDREN AND YOUNG PEOPLE

8.1 There are potentially conflicting views in the way children and young people are regarded both by the public and by different parts of government with different responsibilities. This is reflected in the polarisation of children and young people as at one extreme: young, innocent and in need of protection and at the other of young people who are out of control, violent and responsible for much crime. There is strong support for the stance that values all children and young people throughout their childhood and adolescence and a commitment to translating this into action for all. This must include those whose early experiences have contributed to a lifestyle of exclusion and anti-social behaviour as well as other groups like Unaccompanied

Asylum Seeking Children. If the primary duty of Youth Offending Teams is to prevent re-offending, there should also be a focus on promoting well-being. Similarly this should also be a major concern for those looking after young people in custodial settings.

9. THE CHILDREN AND YOUNG PEOPLE'S WORKFORCE

9.1 ADSS recognises the centrality of a strong, valued and skilled workforce to the delivery of modernised services for children and their families. The high vacancy rates for children's social workers both in the field and residential settings indicates the scale of recruitment issues, leading to a culture of reliance on agency workers. The recruitment campaigns have made an impact and have helped to promote a more balanced and comprehensive view of what is involved in social care and in working with children and young people. The recent announcement from the General Social Care Council (GSCC) of the increase in numbers of students entering social work training is another positive indicator. Between 2000 and 2003 there was a 33% increase of those starting social work programmes with a 12% increase on the numbers embarking on the social work degree course over the previous year.

9.2 ADSS also welcomes the work that has been done over the past year to develop a common core of skills which are necessary for every professional whose work involves direct contact with children and young people. Because most children live in families this should include skills in communicating with parents and basic knowledge of mental health, learning disability, substance misuse and domestic violence. This is just as relevant for professionals who may work substantially with adults like GPs or the police. Foundation modules should be required for a whole range of professionals regardless of whether they will ultimately work in the statutory, voluntary or independent sectors. This will also ensure that when professionals work together in multi-disciplinary settings there will be shared skills and approaches to children. In addition there will need to be discrete training for each profession so that specialist skills are available to meet the range of needs that children and their families have.

9.3 ADSS supports the progress towards a full Children, Young People and Families Workforce Development Council which, when established, will strengthen the children's workforce by ensuring that all children's workers are appropriately skilled and qualified. It will promote greater integration across the workforce and help to ensure that better support is available to families and carers.

10. CONCLUSION

10.1 There has been enormous progress over the past 12 months in setting out the new agenda and clarifying the legislative base, the structures and frameworks that will underpin the changes. As ever, it is the successful implementation of these plans in every locality across the country that will determine whether the lives of individual children are changed as a result. That is the challenge that faces all of us in the immediate future.

November 2004

Memorandum submitted by the Local Government Association

1.1 INTRODUCTION

1.2 The Local Government Association welcomes the opportunity to comment on the Committee's inquiry into the reforms being proposed for children's services under the banner "Every Child Matters".

1.3 As the national voice for local communities, the LGA represents nearly 500 local authorities in England and Wales, spending £65 billion a year on local services. Our mission is to secure the conditions in which local government can thrive; promote local government's achievements; and help councils improve.

1.4 To help us achieve that mission, the LGA was instrumental in developing a new vision for children, "Serving Children Well" in collaboration with number of partners including the Association of Directors of Social Services; NHS Confederation and Confederation of Education and Children's Services Managers. We were pleased that the key principles of Serving Children Well were adopted in the green paper and have been followed through in the Government's change for children programme. These were:

- A strategy for all children, not just those at risk.
- An outcomes approach at the heart of that strategy.
- Clear and transparent accountability across agencies but rooted in local government.
- A vision that is child centred and involves children, families and communities.
- All agencies sharing priorities and risk.
- A robust workforce strategy to support the strategy.

1.5 We have had good and active engagement with the DfES both at officer and elected member level, through the passage of the Children Bill in Parliament and in the developing Change for Children programme. The DfES has not taken on board all of our concerns but we have had the opportunity to debate issues fully.

1.6 We have had a particularly successful working relationship with a grouping of the key agencies involved in commissioning or delivering children's services, known as the Inter Agency Group, the membership of which includes the LGA, ADSS, ConfED, ADECS, SOLACE, the voluntary sector, NHS Confederation, NCB and the police) which has been able to influence the direction of this agenda.

2.1 THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

2.2 The success in joining up these services will be key for driving integration of all children's service providers at a local level and local authorities have long and successful experience of brokering partnerships locally. But other services provided by local authorities and others also have an important part to play in the lives of children, eg, housing, leisure and play, environmental protection and others, eg, the living conditions of children has a huge contribution to play in the well-being of children. How all these services are configured must be determined locally. We are pleased that the Children Act allows for this flexibility.

2.3 Before the Green Paper was published in September 2003, under the Serving Children Well banner, we and our partners were already piloting 35 different approaches to integrating services focusing on better outcomes for children. The Government's children's trust approach is clearly based on the Serving Children Well model, but local authorities and their partners must be given the freedom to build on what is already working well and what will develop the best outcomes for them, as they develop their own integration of services with local partners. There is a danger that we get caught up in structural issues and that we take our eyes off the ball and what this change agenda is about, ie, better outcomes for children, becomes secondary.

2.4 Integrated services work best when individual professional identities are maintained—ie youth offending teams. Indeed, integration will not necessarily benefit all aspects of children's services, such as the potential for vulnerable children to miss out due to the core business in combined department being around education, and needs to be thought through carefully. Central and local government need to focus on outcomes and to build the structures around them. We need joined up thinking, working and practice, not necessarily joined up site provision. We have particular concerns regarding the Home Office and its emphasis on anti-social behaviour and youth crime which seems to be developing separately to the Every Child Matters agenda. The Youth Green Paper may go some way to addressing this but there is currently a demonising of young people emanating from the Home Office and we still have serious concerns about this.

2.5 Enclosed is a copy of Vision to Reality, which the LGA produced with the Inter-Agency Group and sets out the first steps to implementing integrated children's services. It describes how there are 4 guiding principles:

- partnership
- leadership
- managing change
- learning and evaluation

It also contains examples of how authorities have started to integrate their services according to the Serving Children Well principles.

3.1 THE PRACTICAL IMPLICATIONS OF THE "DUTY TO COLLABORATE", INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

3.2 The LGA has lobbied for local strategic planning mechanisms, which will be fundamental to delivering the vision for children's services. This will be central to developing a clear vision locally and will ensure that all key agencies support the delivery of the locally agreed objectives for improving outcomes for children. Therefore, we thoroughly support that all key agencies have been given a duty to co-operate with each other in the Children Act.

3.3 However, the LGA, with support from the Inter Agency Group remain concerned during the passage of the Children Bill, that it did not give schools a duty to co-operate with other partners. GPs and registered social landlords also have not been given this duty which is a missed opportunity because it means, if they are so minded, there is little that local authorities and primary care trusts can do about it.

3.4 The Government's vision of breaking down organisational boundaries and arranging services around the needs of children to ensure they are safe, happy, healthy and achieving has the resounding support of us all, however, we believe that the Government has risked undermining this vision by failing to require schools to identify priorities and resources to ensure that they provide for children facing additional challenges, working with other agencies where necessary.

3.5 Although the Government claims that schools are central to the successful delivery of improved outcomes, the Act does not require schools to change the way they work. We believe that although some schools will recognize the importance of working in a more co-operative way, the Government cannot rely entirely on the integrity of head teachers. In order to fulfill this vital role, schools need clarity over expectations. This is particularly the case in light of the DfES Five Year Strategy for Children and Learners, which proposes to free schools up from local authority control and give them more freedom over their admissions policies.

3.6 The LGA also has concerns about the lack of clarity between the duty to collaborate and the duty to set up Local Safeguarding Boards. There is a lack of co-terminosity/coterminous between the two and with different relationships regarding accountability and governance. It's feasible that the co-operation arrangements for example through the strategic partnership, and the LSCB could act independently of each other.

3.7 In relation to the implications the duty to collaborate will have on funding streams and location of staff and facilities, these are issues that will need to be worked through locally and should flow from successful and effective partnership working that is already happening at local level. We welcome the fact that the DfES are in the process of streamlining and simplifying funding streams as part of the central government contribution to integrated children's services but it is vital that other key departments such as the Home Office, ODPM and DoH are on board with joining up also so this can be passed down to the local level. Priority setting and target setting across government must be co-ordinated so as to allow collaboration at the local level.

3.8 Integrating services may mean that services are located where that is desirable and achievable, but this may not be suitable everywhere. The location of staff and facilities must be determined locally in collaboration with the needs of local communities.

4.1 STAFF AND MANAGEMENT NEEDS: TEAM-BUILDING, LEADERSHIP AND TRAINING

4.2 The key issues here will focus on the success of delivering culture change. Even within local authorities, the culture between departments can be very different. These cultures again will be different across the health service, the police and the voluntary sector for example. There needs to be recognition that such changes in styles of working and a shift in cultural attitudes of people working with children is likely to take time.

4.3 Communication is vital and staff will need to be brought along with change even while the local authority and its partners will not necessarily be able to be clear about when and where the journey will end as this will be continually developing. Capacity to implement this change is a big issue for authorities. DfES has only made £20 million available to be shared across all authorities and even for those who have developed their change management proposals; many do not have the capacity to deliver it.

4.4 Leadership at both political and officer level is vital. It is political leadership that will drive the change in authorities and develop a single culture. The IDeA's member leadership programme will support members to recognise the responsibilities of their role but the time it will take to drive the agenda through must not be underestimated.

5.1 INSPECTION

5.2 Ofsted has been given the lead to develop an integrated inspection framework for children and young people to reflect the change in delivering services to children, young people and families. The Joint Area Review will deliver this requirement. It will report on the outcomes for all children in a local area 0–19.

The LGA has raised a number of issues in relation to the new inspection framework:

- Minimising Burdens on Local Authorities. The inspectorates are striving to ensure that the new process is manageable and will not increase the burden on local authorities and partners to collate and provide information to feed into the inspection process. Trialling with authorities of how data will be collected is due to start in the late autumn. Authorities will still be required to collect information for elements of current statutory inspection requirements, particularly in relation to service settings. For this to have the desired impact, the minimising of the number of data sets authorities are required to collect is important.
- Corporate Performance Assessment. The Audit Commission's current thinking is that the Joint Area Review and the corporate assessment should take place at the same time. As the Audit Commission has already published an indicative time table this will need to be revisited. The timetables of CSCI and the Health Care Commission also need to match those of the Audit

Commission and Ofsted. All of these need to be tied together and adjusted accordingly. The timing may also raise concerns as to how the judgements obtained by the Joint Area Review are validated before they are fed into the various Corporate Assessment blocks.

For ease of understanding by local authorities and partners requests have been made to Audit Commission and Ofsted that the scoring/judgements system and the language used are consistent and do not create unnecessary confusion, across different sectors, for example star ratings, numbering one–four and so on.

LGA have raised with the inter-inspectorate team the need for joint trialling to give local authorities a sense of how it all fits together.

Another concern for local government is the lead time for authorities to prepare for Joint Area Reviews and collating the necessary data as the current timetable is very tight.

- Accountability. Currently, there is no common understanding of the term “children’s services authority” among the different Inspectorates. It makes more sense to refer to the whole local authority and its accountability for children’s services, but there is clearly some ambivalence which will require further clarification.

The Inspection framework focuses heavily on partnership working. There is much expectation that the inspection framework will be the vehicle to ensure partners such as schools fully contribute to the integrated children’s agenda. Our work with education colleagues, such as ConfED and others reinforce our concerns that the framework without legislation will not be a sufficient lever to ensure that all schools contribute. The risk has been made clear to David Bell and DfES officials leading on inspection.

6.1 LISTENING TO CHILDREN; THE ROLE OF THE CHILDREN’S COMMISSIONER

6.2 The LGA has not played a significant part in the role of the Children’s Commissioner, but has supported many other organisations, particularly those in the voluntary and community sector who have lobbied heavily in the proposals in the Children Act.

6.3 The LGA supports the establishment of a Children’s Commissioner for England, but is disappointed that the role has fewer responsibilities than other UK Commissioners. The Commissioner must be able to report directly to Parliament, rather than to a Secretary of State, and must be able to hold inquiries into individual cases without being commissioned to do so. Whilst we welcome the outcomes listed in this section of the Act, the LGA is concerned that they potentially exclude some groups of children and young people.

6.4 The LGA has supported amendments made by the voluntary sector and children’s rights organisations which give the role of the Commissioner the same functions as its counterparts, and ensure the wishes and feelings of children are taken into account in other parts of the Act that govern actions by the local authority and partners. The Association also supported amendments that recognise in full the UN Convention for the Rights of the Child.

6.5 The LGA led on a probing amendment to establish whether the outcomes cover young people who are involved in the criminal justice system. It is also supported other organisations’ probing amendments which sought to ensure that young refugees, asylum seekers and children and young people in poverty are also covered.

7.1 WORKING WITH PARENTS

7.2 The LGA does not as an organisation have a policy line on working with parents.

7.3 Working with parents requires particular skills, similar to those particular skills needed when working with children. These are not evident in everyone’s training and will need strengthening in the common core to succeed.

8.1 THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

8.2 The LGA supports improved information sharing between agencies, as this is fundamental to ensuring that children who are in need of a particular service or services can be quickly identified. However it is critical that in tackling the issue of information sharing, all agencies involved focus on managing cultural and behavioural change amongst professionals as well as technical processes.

8.3 The aspiration of the Common Assessment Framework is one welcomed by local government in terms of its aim to reduce the number of assessments children, young people and families experience when trying to obtain a service. There are detailed issues which require further exploration. If the common assessment framework is to be effective particularly in universal settings such as schools, additional training of staff will be needed. Consideration will also be required as to which staff would have the skills to undertake such an assessment. There could also be workload implications as a result. The framework should add value and not be seen as additional bureaucracy if it is to achieve its aim. These issues link into the wider children’s workforce skills and training developments.

8.4 The DfES has recently, in the last few weeks, published a consultation on Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concern about a child or young person to which the LGA will be responding.

November 2004

Memorandum submitted by the Association of Directors of Education and Children's Services and the Confederation of Education Service Managers

The Association of Directors of Education and Children's Services (ADECS) comprises all local authority directors of education, an increasing number of whom have now been designated Directors of Children's Services by their employing authority. Membership of ADECS is open to all Directors of Children's Services, and also to the most senior education manager in a local authority, where that is not the DCS. Reciprocal membership arrangements have been agreed with the Association of Directors of Social Services for Directors of Children's Services.

The Confederation of Education Service Managers (ConfED) is an umbrella organisation representing directors, education officers, advisers/inspectors and school governor support services. ADECS is one of three professional associations within ConfED.

ADECS and ConfED have warmly welcomed the reforms set out in Every Child Matters and the Children Act 2004. We believe that the merger of education with children's social care, and the eventual establishment of Children's Trusts as a means of creating fully integrated services across education, social care, health, Connexions and Youth Justice, will over the long term substantially improve outcomes for children and young people. As leaders in the management of these services, we are conscious of the very demanding and complex change management process which will be required to bring these reforms about on the ground. We are keenly aware that the process of change will take several years, even where there is already considerable momentum and enthusiasm for it, and that great care will need to be taken along the way to ensure that the quality and effectiveness of existing services is maintained. This is, of course, particularly crucial in child protection, but applies equally to educational standards.

We welcome the change agenda, and the framework which the Government is developing in conjunction with leaders in the service, at both national and local level, to help bring it about. We support the five ECM outcomes and the more elaborated framework based on them, and we support the efforts made to date to set in place the framework for workforce development, information sharing and common assessment, and integrated service delivery. We are, however, concerned that the resources available for funding the change programme at local level are insufficient. Our estimate of the costs involved in setting up a children's trust, with the financial, personnel, ICT, legal and managerial input needed, is around £1 million. Only a fraction of this amount has been made available to the 35 pathfinders, and no funding has yet been agreed for the 115 non-pathfinder authorities.

We are also concerned at the insufficiency of funding for the preventative services envisaged by Every Child Matters. We have no clear indication of where the resources will be found to enable Sure Start to be mainstreamed, and in many local authorities the high costs of fostering, and the provision of specialist support for children at the "acute" end of the spectrum, including SEN, will continue to prevent funding being put into an extended range of preventative and support services for children in need. Currently a large proportion of these services at local level is supported by uncertain or short term funding streams, and any core funded preventative work is extremely vulnerable to being cut because of pressures on other budgets.

We have asked Government to carry out, or commission the Audit Commission to carry out, a review of the funding of preventative work, in order to establish what will be needed to ensure adequate funding of the ECM aspirations in the future. We have also urged the Government to carry out an urgent benchmarking exercise, in time for the next Spending Review, of the true costs of children's social care, as Councils have historically spent substantially more on this area of their work than has been allocated to them through the FSS formula.

THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

The first question to ask is "what are integrated services?" This is not an idle question, since true integration requires a bringing together of the management, organisational arrangements and funding of the services being integrated. There are many successful examples of partnership working as a set of collaborative arrangements, where professionals from different disciplines work alongside one another, but are managed from within their own service. There are fewer examples of professionals being brought together into multi-disciplinary teams to work together under a single manager, with a single set of objectives, and a single overall caseload. Where they do exist, they often work extremely well, but they need careful setting up. For example, the issue of clinical governance needs to be addressed if health professionals are to work in integrated teams, as well as obvious matters such as employment terms and conditions, professional supervision, workload allocation, and career development.

The draft guidance on Children's Trusts being developed by the DfES helpfully sets out several "layers" of integration. ADECS/ConfED support the general thrust of this guidance, but would counsel caution against thinking that the arrangements will be easily put into place, even where there is a local willingness to do so. In our experience, the following are needed for integration to become real:

- Clear accountability for the integrated service, via the DCS to the Children's Trust governance structures (principally Lead Members and PCT Boards).
- Robust arrangements for "offline" professional supervision, advice etc, to operate alongside the line management arrangements.
- Common referral and assessment, and information sharing protocols.
- Shared data.
- A single pooled budget held by the manager of each integrated team.
- An operating culture which is equally "friendly" to professionals from the education, social care, healthcare and voluntary sectors.

We support the view that Children's Trusts should be led from within the local Children's Services Authority, but we are also aware that they need to effectively straddle the local authority and the NHS. This raises the important question of the accountability of the Director of Children's Services. He or she will need to be both accountable to, and call to account, his or her own organisation (the local authority) and the local NHS trusts, including the PCT. Structural arrangements for Children's Trusts will need to reflect that position.

A particular issue relates to Special Educational Needs, where there is an urgent need to bring the present "stand alone" statutory SEN framework within the integrated services agenda. This would be best achieved by the Government pursuing a common assessment process, a single "child's plan" and full, equal accountabilities upon each statutory agency to make appropriate provision.

THE PRACTICAL IMPLICATIONS OF THE "DUTY TO COLLABORATE", INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

The duty to collaborate will be made a reality through the strategic children's partnership in each local area, which in most cases will be incorporated into the governance arrangements for the Children's Trust. Through the partnership we would expect the local partners to commit to a common set of objectives, and carry out joint reviews of services, in order to re-commission them on an integrated basis, with pooled budgets where appropriate. This position will, however, need to be negotiated at the highest level in each organisation, even where a strategic partnership already exists. Integrated commissioning leading to integrated provision will need clear agreement between the partners about a commissioning process (the concept varies enormously from one sector to another), to the pooling of budgets (for which a pre-requisite is the identification of those budgets, and this can be notoriously difficult), and to the co-location of services (including the sharing of premises, IT infrastructure, back office services etc). None of this is straightforward, and it is often the conditions attached to different funding streams, together with a large number of cultural and organisational differences, which stand in the way. We would hope that the introduction of the Single Children's Plan in 2006, the Joint Area Reviews, and the proposed new Local Area Agreements will all be catalysts for bringing services together in this way. However, it will be important to ensure that all three of these mechanisms apply to NHS organisations as well as the local authority.

In collaboration with the Local Government Association, the ADSS and a range of national children's charities, we argued for schools (and GPs) to be included in the "duty to cooperate" clause of the Children Bill. In the light of the rejection of that amendment, we now look to guidance following the Act, and the revised inspection arrangements for schools, to provide strong encouragement to schools to cooperate. In our experience, the great majority of headteachers are keen to cooperate with one another, and with their local authority, to secure better outcomes for children. However, there tend to be large gaps in understanding, particularly in the area of children's psychological and emotional development, which at times prevent schools from supporting vulnerable children appropriately.

STAFF AND MANAGEMENT NEEDS: TEAM BUILDING, LEADERSHIP AND TRAINING

The development of a skilled workforce able to take forward these reforms is a priority, and we are pleased that the DfES is taking this strand of work forward energetically. ADECS seeks to provide, alongside ADSS, an effective informal service for directors to network and learn from one another's experience. Our staff development arm, the Virtual Staff College, is working with the DfES to develop a programme for second tier officers in education, social care and health who will become the DCSs of the future. We are also aware of a number of learning sets and arrangements brokered by a number of organisations for the sharing of expertise between authorities. These will complement the more formal arrangements being put into place by the DfES to support the local change process through the newly established network of Regional Change Advisers.

Inevitably this is fertile territory for trainers and consultants of all kinds. We would, however, voice a note of caution about the number of separate, and sometimes conflicting, training and support initiatives in this area, and also about the danger of pulling good managers out of local service development to train others. It is important that the best people stay in the system, and the national change programme should be geared towards facilitating the sharing of expertise between managers in local services, rather than creating a large fieldforce which will deplete the resources available within the services themselves.

It goes without saying that, with a change programme of the scale envisaged, a huge amount of staff training and team building will need to take place in each local authority/Children's Trust. While much of this can be done by using existing training budgets, there is undoubtedly a need for extra training budgets to carry through the reforms properly. A pooled budget should be created at national level between the DfES and the Department of Health, to allocate to Children's Trusts for staff training as and when they are established. In our view the budget should be sufficient to allow for three days training for every member of staff involved in the local Children's Trust. A rough apportionment of the three days would be one for building understanding of the new service context, one for learning new protocols and procedures, and one for team building.

INSPECTION

We welcome the development of a common inspection framework based on the five ECM outcomes. We believe that the concept of inspecting a local system rather than individual organisations is the right way forward. We would want to ensure that each of the organisations which are part of the local system—health trusts, police, probation, Connexions services, LSCs, housing authorities, the courts—receive clear guidance from their national sponsoring body that their contribution will be scrutinised as part of the Joint Area Review. For the system to work properly, it will also be necessary to ensure that the DCS, as part of his/her accountability role, is able to report to these sponsor bodies on the contribution made by their local agencies, especially where the area review shows up weaknesses.

We also welcome the fact that the new framework for the inspection of schools is designed around the five ECM outcomes. We believe that, if inspectors are well briefed and properly trained, this could be a powerful lever to ensure that schools are fully embracing the principles set out in Every Child Matters. However, this will depend on having at least one member in every inspection team fully familiar with this agenda, and it will also depend on it being looked at and reported on in every school inspection as a matter of course. The local Children's Services Authority (which replaces the LEA under the Act) will need to be able to comment to the inspectors on the extent to which a school about to be inspected is co-operating with other agencies in securing better outcomes for children.

LISTENING TO CHILDREN: THE ROLE OF THE CHILDREN'S COMMISSIONER

This is not directly related to our remit, and we have no comment to make, other than that we support the need for both children and parents to have an active voice in the system, and that this needs to apply at both national and local level.

WORKING WITH PARENTS

We see this as of crucial importance. We support the establishment of parent partnerships for each Children's Trust, and the current parent partnerships will need broadening in scope to address issues arising with children's healthcare, as well as their educational and social support needs. Parent Governors and their representatives on local authority scrutiny committees need to be brought into these partnerships, as do foster carers.

We support the various initiatives promoted by Government to work with parents through family learning, parenting support and related schemes. We also support the work we carry out in conjunction with the police to enforce parental compliance in areas such as school attendance and anti-social behaviour. It is important to view parents as partners, and more work is needed on the hard to engage parents. Starting young, through the Sure Start programme, is the right way forward.

We are concerned to ensure that, where children are suffering because of their parents' problems—of substance misuse, mental illness or domestic disharmony—adequate resources are devoted to those parents' needs by adult social care and health services to support the work we do with the children. In a very real way, dealing with these parents is as much part of children's services as it is of adult services. Similarly, services to carers of children with severe disabilities are often as important as the services to the children themselves.

In a whole system approach, it should be possible to pool budgets between adult services and children's services in the same way as between different parts of children's services. Likewise, the contribution which adult services make to children's welfare needs to be considered as part of the Joint Area Reviews. The same applies to other services which impact on children, such as Housing. In one local authority it has been estimated parental substance misuse is a major factor for 30%, parental mental health for 40% and poor housing or overcrowding for 90% of the children most at risk in that area.

THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

Progress in this crucial area has been very slow nationally, with even the original IRT pathfinders finding it difficult to develop a common local system which works. Problems have been encountered repeatedly with database compatibility, agreeing and operating information sharing protocols and lack of clarity about legal requirements. Few local areas as yet have anything approaching a common database, and few have managed to streamline their data management systems. This is, however, essential if integrated working is to become a reality.

A clear lead is needed from Government on this, reconciling the requirements of the DPA, the FOIA and the HRA, together with the professional standards on confidentiality operating within the NHS, the Police, and local authority social services departments. It is disappointing that progress in producing the necessary guidance has been so slow.

November 2004

Memorandum submitted by the Association of Chief Police Officers

1. ACPO are grateful for the opportunity to contribute to this overview inquiry.
2. ACPO and the police service are committed to protecting children and young people, encouraging their positive contribution to society and preventing children and young people from turning to a life of crime or antisocial behaviour. Accordingly, ACPO and the police service are committed to the provisions of the Children Act.
3. The below comments are made without the benefit of a full appreciation of the questions to be posed at the Select Committee and accordingly, ACPO reserve the right to expand, clarify or add to their submission as needed to respond to the needs of the Select Committee.
4. This submission will set out areas where ACPO feels further work needs to be done to ensure the police role is fully appreciated and integrated into the “new” provisions and will draw clear conclusions for the Select Committee to consider.
5. The police service has two clear links to the proposals within *Every Child matters*:
 - (i) Child protection, and;
 - (ii) Preventing children and young people becoming victims of crime, criminals and/or turning to antisocial behaviour (ACPO term this as “youth issues”).
6. Arguably, given the history of child abuse and the close working relationships between the police and the partner agencies that make up the “Children Services”, the child protection role of the police and its relationship to other agencies is well defined and understood. Accordingly, the broad provisions and proposals within *Every Child matters* in the child protection area are acceptable in principle to ACPO. However, there are some concerns about some of the detail, which will be commented on later in this submission.
7. In the area of “youth issues”, is it suggested that there is not such a clear understanding of the role of the police service and the contribution it can make to Children Services. Although, *Every Child Matters* brings a “duty to collaborate” upon the police service, the police are not seen as one of the main agencies within the “new” proposals. It is the view of ACPO that the position of the police service, as far as it relates to “youth issues”, needs re-consideration for the following reasons:
 - (i) ACPO have a comprehensive youth strategy that covers six specific areas:
 - *Engaging with children and young people*: building and maintaining positive relationships with children and young people.
 - *Children and young people as victim and witnesses*: providing children and young people and their parents and carers with support and information to avoid crime and disorder and to deal effectively with any crime or disorder they may experience.
 - *Pre-crime prevention—helping those in need*: taking a lead in helping those children and young people at greatest risk of becoming involved in antisocial behaviour or criminality before they enter the criminal justice system.
 - *Post-crime reduction—active intervention*: dealing quickly and effectively with children and young people in the youth justice system, having consistent and effective processes and graduating policing responses to those young offenders who are at greatest risk.
 - *Post-crime detection and deterrence—targeting prolific offenders*: deterring and detecting serious and prolific young offenders in partnership with other agencies.
 - *Human Resource development—towards a qualified workforce*: ensuring that staff that have specific contact with children and young people have appropriate skills to perform their role.

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- (ii) The Audit Commission report, “Youth Justice 2004”, had a clear recommendation that, “all police forces should develop a dedicated strategy for tackling youth offending”. Currently, a number of police forces have a comprehensive youth strategy similar to that set out above whilst others will be developing such a strategy in accordance with their local needs.
 - (iii) The police service are often one of the first agencies to be alerted to “risk factors” that are as relevant to all aspects of *Every Child Matters* as they are in relation to crime and disorder, some examples are set out below but this list should not be seen as exhaustive:
 - Domestic violence.
 - Missing from home.
 - Drug misuse.
 - Alcohol misuse.
 - Mixing with offending peers.
 - Criminal family member.
 - Disruptive/antisocial behaviour.
 - Unreported criminal behaviour.
 - Early age criminality.
 - Truancy.
 - Abusive parent/s
 - Suspected child abuse
 - (iv) As part of the wider ACPO youth strategy set out above, the role of the police service is changing in relation to schools. There are now almost 500 Safer Schools Partnerships (SSP) [where full-time police officers are working as *operational police officers in an operational role* within secondary schools and their feeder primary schools]. Work continues to define a graduated model for police in schools that recognises the more traditional *school liaison* role and the new SSP role. However, the police are working far closer with partners in this new role and although evaluation of the SSP model is inconclusive at this time (given the pace at which it was established and the likely longer-term outcomes), there are a range of strong indicators to show that there are considerable benefits in this “new” approach.

MORE SPECIFIC ISSUES

8. There are a number of more specific issues directly related to the proposals within **Every Child Matters** as set out below:

- (i) *Common Assessment Framework (CAF)*: Whilst welcoming the development of a CAF there are some concerns about the resource commitment required of the police service to use and support the CAF. The Metropolitan Police Service (MPS), in their response to the formal consultation on the CAF have estimated that they are likely to require 90 additional police officers/staff to meet their commitment to the CAF. It may be that the MPS estimation is inaccurate but as the police service were not one of the very many agencies involved in the initial CAF Working Group, the actual resource commitments cannot be clearly known at this stage. It is accepted that much work needs to be done until the final CAF is agreed and its application to the key agencies is resolved but until this clarity is resolved this remains an area of concern for the police service.
- (ii) *Child Indexes and IT systems*: The Home Office and the police service are working towards the development of a national police intelligence system. There is a need to ensure that any IS/IT developments for children and young people within *Every Child Matters* has full regard to compatibility and the need to transfer data and information. This must apply to both child protection and “youth issues” matters and must lead to the ability to transfer data and information securely and electronically.
- (iii) *Information Sharing*: ACPO, the Youth Justice Board and the Home Office Legal Department, supported by independent Counsel’s advice, have developed clear, practical guidance (based on a simple and realistic case-study), to show that personal and sensitive information about children and young people, even before they have entered the youth justice system, can be shared within the law and without consent, to prevent such child or young person becoming involved in crime. This guidance clearly shows how “risk factor” information can and should be shared to the benefits of the child or young person to enable early and effective intervention to prevent them from entering a life of criminality. ACPO are keen to ensure that the clarity and simplicity of this work is not lost in the development of future guidance.
- (iv) *Children Trusts (CTs)*: The police service are not currently seen as active partners in CTs. However, Essex Police, with the consent of the partner agencies, have seconded a full-time police officer into the Pathfinder CT at Braintree, Essex. Consideration of the objectives of the Braintree

CT shows that around 80% of the objectives relate closely to the role of the police (particularly the “youth issues” work), some examples are shown below (the “short-hand” used is to provide an indication and does not reflect the full extent of the objectives):

- Improving awareness between CT agencies of their role and functions.
- Reducing structural barriers for better service delivery.
- Professionals to use a common language and common assessment framework.
- Robust information collected and shared.
- Develop an outreach model of service to enable greater access to those at risk.
- More responsive services to target support to children and families out of hours.
- Better co-ordination and promotion of early intervention services.
- Increased accessibility of school based support.
- Provide enhanced support to eight to 14 year olds at risk of being looked after by the local authority.
- Reduce the level of victimisation of children and young people.
- Enhance support to children at risk of exclusion.
- Provide support to children and young people subject of Acceptable Behaviour Contracts (ABCs) and ASBOS.
- Increase the level of support to children and young people exposed to violence within the home.
- Improve the level of awareness of the impact of domestic violence for children and young people amongst police, social services, social care and health.
- Engage parents and carers who have attended programmes to develop skills, etc.

The emerging view of the role of the police officer in the Braintree CT is very positive and, although, local evaluation is taking place it is too early for specific outcomes (the police officer was only seconded in September 2004).

ACPO have made the point that there is a need to consider a police officer as an active member of CTs from the outset. There are obvious resource implications that have yet to be considered and if there was a need to have a police officer in each CT this would mean in the region of 600 to 700 police officers needed to fill such posts nationwide.

- (v) *Youth Green Paper*—a Youth Green Paper is to be published in January or February 2005 which is likely to have considerable connections to the “youth issues” aspects of the work of the police service. It will be important for ACPO to be early contributors to the thinking and the detail of this green paper to ensure future developments are compatible with existing practice and developments. It would be unhelpful for any future proposals not to have regard to the extensive work that the police service are undertaking with children and young people in the area of child protection and prevention. The comments in relation to the Youth Green Paper reflect the issues raised at 7 (i) to (iv) above.

CONCLUSIONS

9. The following conclusions flow from the above comments:

- (i) The police service is committed to supporting *Every Child Matters*.
- (ii) The role of the police service, as far as “youth issues” are concerned, needs re-consideration as part of “Children Services”.
- (iii) The role of the police within Children Trusts needs to be re-considered.
- (iv) An “impact assessment” of the role of the police needs to be undertaken between the Home Office, Department for Education and Skills and ACPO, to determine the likely future resource requirements for the police service.
- (v) ACPO must continue to be closely involved both from the child protection and “youth issues” perspective, in the detail of future developments to enable the police perspective to be properly considered.

December 2004

Witnesses: **Dame Gill Morgan**, Chief Executive, NHS Confederation, **Mr John Coughlan**, Co-Chair, Children and Families Committee, Association of directors of Social Services, **Cllr James Kempton**, Vice-Chair, Children and Young People's Board, Local Government Association/Deputy Leader Islington Council, **Mr David Hawker**, Incoming Chair, Association of directors of Education and Children's Services and Director of Children Families & Schools, Brighton & Hove City Council, and **Chief Constable Terry Grange**, Lead on Child Protection, Association of Chief Police Officers, and Chief Constable of Dyfed-Powys Police, examined.

Q153 Valerie Davey: I welcome you all, especially at what is, for everyone, a busy time. If we were not concerned for improving children's services before Christmas, then I cannot think whenever else we might. I should like to put on record the apologies of the Chair, who is out of the country, but will say that we are a smaller, but perhaps keener committee, with one other member hoping to join us fairly soon. We have looked on several occasions now, and taken evidence on several occasions on this very important subject of *Every Child Matters*. We reckon that amongst you, with your professional organisations behind you, you bring a particularly significant contribution to our deliberations. If each of you would like to say a word—and I mean a few words, but not many—as introduction, we would be very pleased before we start our questioning.

Dame Gill Morgan: I am Gill Morgan, Chief Executive of the NHS Confederation. That is an organisation made up of NHS and statutory organisations. We currently have 92% all NHS organisations in membership, and that includes primary care trusts as well as hospital trusts. Our other interest in this is that one of the things we have recently been involved in doing is negotiating the new GP contract, and we have a continuing responsibility for the maintenance of that contract.

Mr Coughlan: I am John Coughlan, the Corporate Director for Social Care in Telford and Wrekin Council, and I am here as the Co-Chair of the Children and Families Committee of the Association of Directors of Social Services, the ADSS, a national body which accounts for its membership all the directors of social services in England and Wales, and acts as the professional representing their views, particularly in dialogue with government.

Cllr Kempton: I am Councillor James Kempton, representing the Local Government Association. I am Vice-Chair of the Children and Young People's Board. In the LGA we have already re-organised around the theme of children and young people, as many authorities are doing at the moment. Aside from that, I am also the executive member for children and young people in Islington.

Mr Hawker: I am David Hawker, Director of Children, Families & Schools for Brighton & Hove City Council, and I am Vice-Chair of the Association of Directors of Education and Children's Services, which represents directors of education for the 150 local education authorities and an increasing number of directors of children's services—about a third now out of the total.

Chief Constable Grange: I am Terence Grange, Chief Constable of the Dyfed-Powys Police. I lead for the Association of Chief Police Officers on child protection, the management of sex offenders, and all things pertinent to private violence. There is another ACPO group, the Youth Issues Group, which deals with matters to do with children other than child protection.

Q154 Valerie Davey: Thank you very much—a distinguished gathering! I wonder whether you often meet, but perhaps in the future under this remit of *Every Child Matters* you may indeed; but we are pleased to have you together. Although this is quite a large gathering, we will not expect each of you to answer every question. The theme clearly is collaboration of bringing together the different structures that you represent. How important do you see this to be. Terence, you have perhaps been less involved than the other groups. How important do you see this new approach?

Chief Constable Grange: I think the Association of Chief Police Officers would argue that to date the police force have been, by mistake, peripheral to all discussions about children, particularly *Every Child Matters*. We would argue that if you look at the function of policing, a wider look, we are absolutely essential to any development in this area. We have done studies going back to 1997, where we looked at all the predictive causes of future difficulties with children, and police engagement in those areas; and we would say that we are absolutely crucial to these discussions. What surprises us is that we appear to be consultees of last resort. We would argue that we should be fully engaged at all times.

Q155 Valerie Davey: Do you expect to be, as a result of the new structures which are proposed and do you think this will improve the situation for children, not just for police officers and the way they work, but for children concerned.

Chief Constable Grange: We would hope to be. We do not expect to be because the evidence so far is that when the DfES and the Home Office have had their discussions, then they talk to us. We would expect that if we were engaged, there would be far better outcomes for children.

Q156 Valerie Davey: David, does that provoke a comment?

Mr Hawker: The general point is right. We need to do a lot of work at local level. Where I am, for example, we have the local chief of police on our chief officers' group for the children's trust, and that is an appropriate model I think in terms of engagement at the right level, not just as a consultee of last resort but as part and parcel of the strategic and management arrangements for the whole thing. It is particularly important in terms of child protection and also in terms of youth justice; but there are other dimensions to it as well in terms of the police involvement around school security, around behaviour management and around community safety, which also need to be part of the whole picture. I would certainly agree with ACPO that it is very important that at local level police are fully engaged in the development of children's services. What we do need are the right kinds of signals from

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the DfES and the Home Office to enable that to happen and to make it an expectation that it will happen at a local level.

Q157 Valerie Davey: Gill, does health feel a little on the fringe of this as well, or do you feel you have been more integrated into the discussions and plans for the future?

Dame Gill Morgan: In preparing for today we did a straw poll of members to answer that question. The view from PCTs is very positive. They feel that they have been actively involved at a local level, that they are in the heart of thinking about things. They see some practical problems but there are absolutely no complaints about engagement. I think we are downplaying the involvement of the police because in the overall children's agenda there are very many sub-components, and there are some excellent examples of the police being actively engaged in partnership: drug action teams; alcohol strategies; crime and disorder partnerships, which PCTs are statutory members of, and run by the police; youth offender teams, ACPCs, and many primary care organisations and strategic health authorities have very good information-sharing protocols with the police. Whilst I agree that the police need to be intimately involved, there is some very good practice to build on at the moment across the country.

Q158 Valerie Davey: John, given that social services have always been central to this, do you see the extension of this work across so many different groupings being an improvement for children?

Mr Coughlan: Yes, I do. I fully support what has been said about the crucial need to involve the police, and also about our own meeting as a group. There is a body called the inter-agency group, which has been running for two or three years, which has been crucial to the development of this agenda; and the police were founder members of that group. Outside of government dialogue the agencies are working very, very well together; and that was developed through the document *Serving Children Well*, which we think was a blueprint for *Every Child Matters*, some nine months before *Every Child Matters* was published. We do think there is a very positive framework at a national as well as a local level. As far as social services are concerned, we very much support the development of the integrated agenda as described in *Every Child Matters*. We have concerns about some of the structural prescription that has come through the legislation, but generally speaking we think that those concerns need to be put to one side, now that we are on the path we are on, because of the need to make the integrated agenda work. That has been a position that ADSS has taken obviously with some difficult self-examination because of the need for us to look at the roles of our membership and our services within what will be the new frameworks in local authorities. We are very, very pleased indeed that local authorities have been given the lead in this agenda, because we think that is where it should rightly sit.

Q159 Jeff Ennis: Continuing on the theme of integrated working in practice, what are the key challenges that need to be overcome to achieve this Utopia, because I do not think it will be easy to achieve, certainly not in the short term.

Cllr Kempton: Clearly, one of the challenges we are all responding to is the need for leadership in the area, both from government and national organisations but also for local government to respond to the leadership role which has been set out for it within the Children Act. That is a significant set of challenges for us, but one which local government feels ready to take up—and the evidence is that it is well able to do that. We have been running 35 pilots, which were started as children's trusts under the *Serving Children Well* banner, and they have been going for some time now. There is some really good evidence of progress in there from around the country. I can give you specific examples of where authorities like, for example, North Lincolnshire has established some very good practice, but which has been built around relationship-building rather than structural change. There is also good practice from places like Sheffield and Bolton, and I could go on. There is therefore quite a lot that we are looking to build on. One area that concerns us greatly in terms of integrated service is obviously the position of schools, where we seem to be arguing for services to come together with health and social services and the police, but where there are also other local authority services like housing, leisure, youth and childcare. There is widespread concern about the position of schools where there is no duty to co-operate laid down in legislation. I can not speak for everyone here, but there is concern about what that might mean in practice, particularly on the back of the rhetoric laid down even in the Children Act of schools becoming more autonomous and becoming masters of their own affairs. Whilst I think no-one has a problem with school autonomy as it stands at the moment, there is a concern about relying on the goodwill and spirit of individuals to see that the duty to collaborate is a kind of moral imperative as opposed to a legalistic duty that is being placed on everybody else.

Q160 Jeff Ennis: You have just said that schools are not involved with a statutory duty to co-operate; and obviously GPs are in a similar situation, James. Have you any comments to make, or have the health people any comment to make about the GPs not having the statutory duty to co-operate?

Cllr Kempton: I would say it is a similar issue of concern with GPs. In the area of child protection, working with GPs is essential, and although there is very good evidence around of good working practice, we are concerned as to why some groups were left out and some were included, and what that might mean in practice.

Dame Gill Morgan: This is one of the questions we asked the primary care trusts because if they are to make this deliver they will have to make sure that they can engage GPs at a local level. Primary care trusts regard it as a challenge to engage all GPs, and

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they are very keen to see some proper incentives in the system to enable them to do that. One of the issues that is not well formed enough—and this is an issue for us not for government—is that in framing the quality and outcome framework of the new GP contract, which tries to deliver general practice services against a set equality standard, is unique in the world. When we have gone back to look, in the light of the Children's Bill at the recommendations about what should be measured around the quality of children's services, we think it is very like. We do not think it is good or strong enough, and we would go back and think what we can do, in reviewing the quality and outcome framework, to be better. On the other hand, we know that if we look at the Royal College of GPs, they have some very clear statements of what a framework should look like, which seems to be very simple, very clear, and could be put into practice within general practice very easily, to put a set of standards that they could objectively measure themselves against. We know that the practices that are committed to the quality expected by the Royal College of General Practitioners all have a named doctor and a named nurse, so they are already well in train for the sort of principles that you would want. The biggest challenge, however, is that if you look at the number of individual GP practices, you have to have something that gets into every practice. That has to happen through primary care trusts and through training, development, and keeping people up to date. It will also have to happen through things like re-validation and through the quality and outcomes framework, because we know those are things that doctors inter-relate with quite intimately, because at the end of the day they affect pay; and something which affects pay is more likely to be a powerful driver of conformity than something that is enshrined in statute. We have some mechanisms for making sure that it does not become a problem around GPs, which are potentially easier to deal with than some of the concerns around schools.

Q161 Jeff Ennis: James, you said that local authorities need to take the lead in *Every Child Matters*, which I do not dispute. How do the other agencies feel about local authorities taking the lead in this matter? Should we not just leave it to local authorities and have other agencies taking the lead more?

Cllr Kempton: It is clear that the leadership role is a partnership one as well. I am not envisaging that local authorities work in isolation; and there is evidence of strong local partnerships already around the place. What might be new is making sure that those partnerships are focused around the five outcomes, and I think the leadership role of putting the outcomes at the centre. To give an example from my own authority, the very first thing we have done is to go out and talk to children, parents, and the professionals that support them, to agree a vision for the kind of services we want to see. We are now taking that vision around all the statutory and voluntary sector organisations in the area, getting

people to sign up to that. That is what I mean by leadership. It is not a command and control relationship, but it is about getting people to buy and to putting those outcomes at the centre of what they do, and assessing themselves against the outcomes. I guess we will talk a little more about this when you ask questions on inspection; but that is the key first step that brings people together. It is no easy thing to reconfigure services around the child and its family. We all know that one of the reasons why we are discussing this today is because services have failed to do that in the past sufficiently well.

Q162 Jeff Ennis: That is a good recovery, James, but I would still like to hear the other agencies' views on this.

Chief Constable Grange: You will know that local crime and disorder partnerships are partnerships between the local chief executive and the local chief superintendent, and anybody else who should engage in statutory partnerships. Where you have children's services and outcomes for children across all the authorities, that kind of partnership is essential, and there has to be leadership. If you are going to have leadership that is locally managed, then the place where it seems to vest itself best is in local political authority, which would be the local authority with the other statutory agencies on board. Members of my authority constitute three parts, one of which is local political authority, and the chair of every local authority community safety arena is, by right, soon to be on a police authority. We would see it naturally vested there and would not have any difficulty with that. We would argue that given the links between local criminal justice boards, the local authority, the local children's safeguarding boards, it would be natural for those things to be linked. I doubt that there is a chief superintendent or chief police officer in the land that would disagree with that. We would not see ourselves leading on it. If I could briefly go back, there was discussion of children's trusts. In the police service we see huge overlaps between children's services and the Association of Chief Police Officers' youth strategy. What we do not see is integration between the two, and we think that with appropriate leadership locally and nationally there could be. On the children's trusts nationally, there is only one place, Braintree, where there is a police officer full-time engaged. It is early to be stating that that is successful, but the early indications are that it is not a bad approach and should be pursued. We would argue that you should explore these things far more.

Dame Gill Morgan: If you would like me to comment from the health point of view, we are the bit of the system that does not have democracy involved in what we do. We are very happy with the concept that this is something where local government should take leadership. We think that there is responsibility at all sorts of levels. Clearly, in the Health Service individual professionals have very key personal responsibility to the children they look after, and that cannot be devolved or laid off to another organisation. Organisations themselves have

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individual responsibility for how they collectively provide services for children, and that has to be the responsibility of individual organisations. The fact that that should happen in the context where local government provides the leadership seems to us to be right, because children are children; children are fit and well; whereas the Health Service largely deals with children either to prevent them becoming unwell, but largely children have specific problems. We are therefore quite happy with a concept that is local government led.

Q163 Jeff Ennis: Thinking about integrated working in practice, what do you think of the idea of co-location of staff, and to their co-location in extended schools and children's centres in particular?

Mr Hawker: I think it is very important to co-locate staff wherever possible, if they are part of multi-disciplinary teams, and the heart of integration is single management and the professionals working together in their professional disciplines but as a team, and it is much easier to do that if they are co-located. Placing teams within schools is also a very good idea, and that raises a very important issue about the management of those teams and their relationship with the schools management. One of the issues we will need to tackle over the next few years is the nature of school leadership to be able to address safely the management of integrated teams within an extended school. That goes back to the issue of collaboration, duty to co-operate and so on. Our experience is that the majority of schools are keen to co-operate. There is sometimes a knowledge gap in terms of what to co-operate on, and the particular relationships with the other agencies that will facilitate that—and clearly there is a development and training issue there. By and large, schools recognise that they are concerned with more than just educating a child that is with them from nine to three; they are concerned for the well-being of the whole child, and that is right. As an extension of that, they are keen to get involved in the wider aspects of this agenda, but they need to do this safely, and the issue of service integration raises the issue of professional supervision of specialist functions within an integrated framework. That means that effectively we have to look again at line management questions, the ways in which we can safely operate inter-disciplinary teams, and at the same time keep the professional supervision tight and of high quality so that people being part of those teams will continue to be professionally developed and continue to be able to practise their skills safely.

Mr Coughlan: I support everything that David has said. There are some critical issues that we need to watch out for because there is a risk of “motherhood and apple pie” mentality around some of this, and if I am able to I would like to come back to your question about challenges as well. The point you raise about schools is an important one, but we have to remember as well that a significant proportion of children, including particularly more vulnerable younger children, are nowhere near school yet. We have to look more broadly and more imaginatively

than simply around schools, although schools critically have a significant part. Co-location should not be an end in itself. I have certainly worked in circumstances where co-location has been achieved, but the different agencies did not know where each other's door was and could not walk round and get to each other. We have to be realistic and work on some of the frameworks.

Q164 Jeff Ennis: What would be your alternative then, in terms of an appropriate location, if it were not in the extended school setting?

Mr Coughlan: Some of the early years settings, some of the health settings, but also making sure that we approach the position of co-location in the way we are trying to approach the themes of *Every Child Matters*—that we are looking for the outcomes, rather than some structural approach, and do not go for co-location for the sake of it, but make sure you have integrated systems where professionals are talking to each other—and if there is a natural progression to co-location which suits the environment and the locality, then pursue that.

Q165 Jeff Ennis: It is not really the building that is important.

Mr Coughlan: I do not think so, no. I really feel keenly about the point you made about some of the challenges—because I do think there is a risk in our support for this agenda, and we wholeheartedly support it—that that gets misinterpreted as saying “there is no problem with this then, is there?” I think there are five critical areas that we have to watch very closely. What we have been talking about I would characterise already as the issue of the competing agendas. Frankly, we are talking of the question of mainstream services for most children who do not require specialist input, and particularly attainment within education, versus the specialist needs of some children who require particularly intensive input. It is very positive to go for a universal approach under *Every Child Matters* but there is a potential tension in there as to how we make sure the right services get to the right children in the greatest need. That is the first area, which we have effectively been discussing already. As a local government officer, I have to raise the thorny issue of resources. We have constantly been making the claim that part of the difficulties we have been facing in children's services was a failure to fund the Children Act 1989, and we still think that failure is undermining much of our effort around children's services. One of the problems around the Climbié Inquiry was that unfortunately it pointed to a small group of authorities which apparently were under-funding their children's services, and I think this was used as a yardstick to say what local authorities are or are not doing for children's services. In fact the vast majority of local authorities are heavily funding their children's services, well beyond the formula spending assessment. That needs to be reflected through central government. There is also the cost of the change programme. Thirdly, there is a set of issues about how we develop a real consistent

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community voice into children's services. This will fail unless we are engaging children, their families and their communities; and we need to find ways which consistently and imaginatively are going to make people feel they are party to this agenda, and that it is not just an agenda that is being developed by the macro organisations. Fourthly, there is a set of issues around the fragility of safeguarding services for child protection concerns, and our concern would obviously be that the majority of authorities which are committed to this arena will work gainfully to protect their children, but there are inevitably going to be children who will slip through the net, and we have to give this agenda time to work forward, and support those authorities that may be struggling with their local competing forces. Finally, this hinges around information-sharing. We think there are still significant challenges around the information-sharing agenda; so I wanted to make sure we did not ignore the question about challenges, because we think they are significant and we do not want to pretend that they are not.

Dame Gill Morgan: Coming back to the co-location issue, in general our view around issues like that is that they need to be identified as issues at a local level. There is a real danger of coming up with a one-size-fits-all; and what might be appropriate and applicable in Bradford might be completely the wrong solution for the wilds of Cornwall. There has to be a proper local joint needs assessment of what the issues are and what the opportunities are; and then co-location thought about in that context. It may or may not work out in individual communities. What we would resist is anything that is one-size-fits-all because the history of that is that we end up with worse services for the majority because we design things on the worst-case scenario. That might work in those places, but for the rest of it, it takes us backwards not forward.

Chief Constable Grange: I am the Chief Constable of Dyfed-Powys, which is the largest geographical area in England and Wales for policing. Whilst co-location works in one part of the force, it emphatically cannot work in other parts to do with criminal justice, simply because the Crown Prosecution Service does not have enough agents to co-locate. We have seen successful co-location in youth offending teams across the country. We are seeing it in public protection units where the police and the probation services are co-located, to my knowledge, in 21 separate parts of the United Kingdom—and we are developing ever more physical or other forms of co-located working, by the use of buildings or IT. In child protection we have a violent and sex offenders database, which the police services will have in England and Wales by the end of March next year; and all the probation services by the end of the following year; and the prison service also. That works in that particular area; but co-location of itself is not the answer to the problem; as others have said, you need to think through the issues and the outcomes you intend. If co-location gets you there, fine, but for many organisations that will not be financially or geographically viable.

Valerie Davey: We are now taking up the theme of professionals and their role within this.

Q166 Jonathan Shaw: There is obviously this tension in terms of co-location. Gill Morgan, you said that one size does not fit all. I do not think anyone is saying that, but it is a general theme flowing from Lord Laming and the Minister for Children. Where local partnerships and agencies determine that co-location is appropriate, before that they have to agree how these teams will organise themselves. There are potential competing demands about different professionals and supervision. Would the panel like to talk us through those potential tensions, how they might work in practice, and what the potential hurdles are? I am asking you to paint a picture of how things may or may not work in practice within your areas of specialism. Gill Morgan, perhaps you can start by not having the one-size-fits-all!

Dame Gill Morgan: Our anxiety, which I suspect is echoed by most people sitting this side of the panel, is that there is a very fine line from national flexibility getting interpreted into one-size-fits-all guidance when it comes and hits us, and that is what we would like to resist. We have to distinguish, for people working in children's services, between the things that they have to do and understand the same almost core professional standards of people who work with children. You may have different arrangements around those core sets of skills and specialisms, where people can share responsibility, and the things that people have to do as autonomous practitioners which are fundamentally different.

Q167 Jonathan Shaw: Can you give us an example?

Dame Gill Morgan: For example, as a health visitor working in a patch, you may, through sharing arrangements, take part with other professionals, and it would not matter which professional did it because you would use a common assessment framework to assess the needs of a particular child. That would be fine because you would be guided by those common standards and there would be a set of procedures. You need the same supervision as anyone else because you are applying one tool to everybody. On the other hand, if out of that comes a particular need for a child who has some rare genetic disorder but needs some sort of follow-up, the particular supervision you need for that is expert and specialist, and would probably not be provided within the team, but you would have to look for supervision elsewhere, because that is where you are specialist; you are highly trained; you are a nurse with extra training over and beyond it. I think you could begin to distinguish within teams which bit is general and would have a common supervision and support, and which bit we need to look to the broader church and the broader family to provide that additional expertise. That would be true for the majority of people working in the shared environment.

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Q168 Jonathan Shaw: What about when the lines are less clear? You are talking about a physical ailment, are you not, which is the medical profession? What about when there are mental health issues? You could have a CPA, a mental health social worker or a psychiatrist.

Dame Gill Morgan: Yes. The way that has traditionally worked, and within proper team-based working is identifying the individual with the right combination of generalist skills, together with the additional specialist knowledge, and at many stages of a child's or adult's progression actually it does not matter the professional expertise is secondary to the general bit of handling a disturbed child. Within local teams and local professionals you would come up with agreement to guide that. This is not new; this is not part of the Bill; this is how many organisations and systems around children have been working since 1948 and before. If you look at some of the best child and adolescent mental health services, they do work in a multi-disciplinary way with shared responsibility, with a key worker who takes responsibility, and they take in the responsibility of pulling in those additional specialist services that are needed. Everybody does not have to know everything, but you have to know a man or even a woman who does, and be humble enough to know when you need those additional skills pulled in to the system.

Q169 Jonathan Shaw: That all sounds very simple. John Coughlan, are you happy with that? Do you think it is all very simple, and we do not need to worry—that I need not ask these questions because you are going to get on with it?

Mr Coughlan: I have said that it is an enormously challenging agenda. I think what will happen—I was interested listening to Gill because the models within my own authority follow some of that pattern. We have a community and schools clusters model, which has been developed and will go live in April. It will be working with children who are tiers 1 and 2 of need, so they are not in extreme need, not for example children looked after on the child protection register; but they are showing early signs of concern. They would have a concept of a team around the child, and the clusters team would be a multi-disciplinary team, but it is not a team that will necessarily disband existing core specialist teams, so we will still have a separate core cams team, although that team will be linked in to our community model. Where children require low levels of support, a lead professional from the clusters team will be nominated, and they will work with their partners in a collaborative way, identifying where particular skills are required to suit the needs of that child. Where more complex skills are required because the needs are extending, then the support for the more specialist services where there are professionally accountable lines of support will be called upon, whether calling in a child protection investigation from a classic social services model, or some more intensive consultant paediatric care from the health model.

Q170 Jonathan Shaw: Cllr Kempton, you are sitting in your local authority, and the assembled professionals are providing you with this advice, saying of course the service is developing very well, and it is a great policy; but do you have any worries that whilst you are being told everything is fine, what is happening on the ground, from what your constituents are telling you, is quite different?

Cllr Kempton: Everyone has made the point that it is an enormous change agenda. One thing I would say is that the change is going to take some time. The Government has identified that some of the structural changes need to be in place by 2006 or 2008, and what we want to argue very strongly for is that we need to take that time in order to get things in place. We know that we have crisis intervention services which are very good, but we want to improve them. We know that we have very good universal services that we want to improve as well. It seems to me that it is the area of prevention and getting the preventive services as good as the others, where I would want to ask some questions in my authority. It is the area of making sure that support is being provided to families where children are identified, or the family is identified as vulnerable in some way. Those are the sorts of areas where I would want to ask questions and would want to build up the services. That is an agenda not just for the statutory services but the voluntary and community sector as well, and that is one of the key leadership challenges that I have. No-one really wants to de-professionalise any of the people, and it is very important that we identify that we are bringing together groups of professionals from different disciplines because they add value by being together, and we do not want to create a structure that dissipates the expertise when it comes together. What we want to do is share some of the training—teachers that are training, and social workers might go on, identifying children in need and providing the sort of support they need. For example, we have seen through the Surestart programmes different professionals coming together and not losing their own identities but adding something by sharing their knowledge and approaches.

Q171 Jonathan Shaw: David Hawker, it is not good everywhere, is it; otherwise we would not be having this inquiry, and Lord Laming would not have had to undergo his work? There are problems, and integration is the key word that has come from Lord Laming's inquiry. In the Green Paper there is a long list of members of multi-disciplinary teams, but it does not include teachers. You are services, and you are education: should it include teachers?

Mr Hawker: Yes, it should include teachers and health professionals as well; and in many cases it does, depending on their particular area of work. If they are responsible for special educational needs or if they are the designated teacher for looked after children, they will be part of a multi-disciplinary team which their school is linked with. The sort of service model that John has described is very similar to the service model that we are

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developing in our locality as well; and it is probably similar up and down the country. It is not one-size-fits-all, but there are some very clear service design principles that people are now working to up and down the land. In terms of making it work, we clearly need to have professionals who know when to stop, who know when they have reached the limit of their own expertise, and are therefore able to hand it over to somebody with the expertise that is needed. That is one of the important principles of multi-disciplinary working. In terms of teachers, clearly we need to look at how the school workforce reforms will be able to create enough time for teachers to engage in these important activities without distracting them from teaching, their core task. That is a challenge to us all, in terms of making the thing work in and around schools. In terms of other aspects of the requirements, we have clearly got to make progress on implementing a common assessment framework; we have to have good data information sharing protocols. We need good referral systems and formal protocols for that. We would like to see some progress on pooling of budgets, but only when it is clear what the budgets are that we are pooling, what we are pooling them for and what the service specification is for pooling them. There have been some examples of pooled budgets before their time, which have not resulted in any service improvements. We would argue that the service specification, the review of the services—what James was saying in terms of looking at the middle part of that triangle, targeted services for children in need, needs to be got right; then you look at how you will pool the budgets to get the service into the shape you really want in order to serve the children better. This is a massive programme of change. It is clear that local authorities and their partners up and down the country are at very different stages in that process. Some are fairly well ahead, and others are only just starting to think about it. The head of steam that there is behind it now is such that it is pretty well on the way. We do have to watch out as we implement it that we do not fall into some of the elephant traps that are there, and it is very important that we move forward.

Q172 Jonathan Shaw: What are the elephant traps?

Mr Hawker: That people would move too fast and be too enthusiastic about doing change, and then fall over themselves. We could be putting children at risk if we are not careful, if we do not have the right kinds of safety mechanisms. It is important that as we manage change we are also improving services at the front line, or at least concentrating on not having services deteriorate and thus putting children at risk. It is important that we have a good view of the overall resource package that we need to work with. John raised the issue of concern, which many of us share, about the shortage of resources for managing this, which could jeopardise the whole exercise if we are not careful.

Q173 Jonathan Shaw: What do you think it is going to cost? The figure of 20 million has been given so far.

Mr Hawker: I think it will cost more than that. Our conservative estimate is that setting up the children's trust would probably cost around half a million pounds in back office costs, and that is leaving aside the workforce development issues and the management of change at the front line. Clearly, we are not going to be talking about adding all of that to existing budgets.

Q174 Jonathan Shaw: Any more money for training?

Mr Hawker: Yes, we do need to put more money into training, workforce development, joint training of professionals. We need to do a lot around information sharing and child protection training. In our submission we have suggested we should be looking at an entitlement for every professional working in the field to have three days of training, which would enable them to take full part in the programme.

Q175 Jonathan Shaw: Terry Grange, can you give your organisation's views of the information-sharing database that is being set up? Is that something that you have considered, or have you not been consulted on it?

Chief Constable Grange: We know that there are attempts across the country to find out how information-sharing could be done. I do not believe that there is an information-sharing database being set up. I think we are in the throes of piloting in 10 areas to find out what can be done. Information-sharing is absolutely essential, but you are back to the elephant factor; and there are cultural issues and professional issues about information sharing. The Soham Inquiry demonstrated only too clearly that people's professional cultures stopped them sharing information with others.

Q176 Jonathan Shaw: What do we do about that, then?

Chief Constable Grange: Training, cultural understanding—putting people in the same room tends to break down the cultural barriers which stop information-sharing. We have evidence in working with the probation service. As one of the two inquiries into the Soham incident showed—I think Sir Christopher Kelly's inquiry—there were police officers that would not share information with social services on principle, and *vice versa*. That will take a long time to break down. The idea that you can share information with 43 police forces—I do not know how many local authorities there are or how many primary care trusts in the country, but the idea that you are just going to create an IT package that will share information across them in short order is mythical. The first thing we would need to do as a police service, I would argue, is have one single child protection database nationally. Currently, we are working at trying to get the Home Office to fund that. If you said £20 million had been set aside, we could create a single child protection database for

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the English and Welsh police forces in about 24 months at round about £10 million, because we have evidence from doing it with the violent and sex offenders database. On top of that, you are talking about health and education circles, and you are talking about a very complicated thing that needs a great deal of thinking through. The same applies to the whole thing of working together in practice. The police view is that in terms of the role of professionals, our role in this has not yet been worked through properly at all. We would see that we have a major remit in such things as domestic violence, truancy or exclusion from schools, missing from home, criminal family members, where our role and that of children's services should be inextricably linked; but it has not yet been worked through. If things are to work, that has to be done.

Q177 Jonathan Shaw: Mr Coughlan, from the social services point of view, what have you to say about databases? We have some pilots, and obviously we will wait for the outcome of those. The child protection end is one thing, but we will obviously be flagging up areas of concern or possible concern so that a picture emerges before a child protection conference is called. Is that right?

Mr Coughlan: I think the picture is complex and mixed. I am not as pessimistic as some of the conclusions from the Soham inquiries would lead us to believe because most of us see on a very regular basis very high-quality joint working, on a day-to-day basis on the ground. One of the challenges of this process is to bottle that and get it consistently across the piece. I am not saying that there are not problems but I think front-line practitioners have developed great skills in identifying when they can and cannot share information. They do work within professional cultures where, for example, many of them have been trained about the sanctity of the information that they are holding; and then to work into a new environment where they are being told to break that sanctity is challenging for them. I think it can be achieved. The challenge is enormous, partly because of the systems issues that have just been described but also because of the professional cultural issues, and because we have to recognise that some of the families at the more extreme end of need are also extremely mobile. Some of them live beyond standard services. That is why keeping a track—and that is why it was called Identification, Referral and Tracking, originally—is critically important. We have been one of the authorities acting as an IRT trailblazer. We have made substantial progress. It has been very positive, encouraging work, but we still feel that we have a long way to go to be confident about an information-sharing database that is absolutely consistent.

Q178 Jonathan Shaw: Can you tell us how it has been working, for example how would a teacher with a concern flag it? How would the GP know about that or how would Terry Grange, as a police officer, know about that?

Mr Coughlan: The systems we are working with have recognised that the notion that you can effectively disband all the internal professional systems and create an all-singing, all-dancing children's database which covers all professional need is cloud-cuckoo land, and that will not happen, as far as we can see, in the future. We have developed a system that will talk, on a routine basis, to the existing professional systems within health, social services and the police. Finding the technical as well as professional solutions to achieve that have been complex. In an internal system, for example where there is a child database, if there is a way in which a school's concern can be noted on their database in a way that then gets swept up by the co-ordinating database or the integrated database, that becomes a simple model which does the very basics of what has been described in the consultation document so far. It expresses who the child is; the family; the address; where mainstream services are involved; and obviously the most complex issue is what specialist services have been involved, the parental permission for recording those specialist services or the case for recording that specialist involvement without parental permission.

Q179 Jonathan Shaw: At the moment, in most local authority areas, if there were a referral to social services, whether from a school or neighbour, they would do that manually, would they not?

Mr Coughlan: Yes.

Q180 Jonathan Shaw: They would ring the police. They probably do that anyway.

Mr Coughlan: Exactly.

Q181 Jonathan Shaw: But in the first investigative level it may well be that they would check the database in the school to see whether there have been any concerns over the last two years. Is that right?

Mr Coughlan: It is really crucial to recognise that this database does not become a proxy child-protection tool.

Q182 Jonathan Shaw: Will this safeguard children better? That is what we all want to know.

Mr Coughlan: It will assist with better preventative working, which will indirectly safeguard children better. If we use the database as a quasi child protection register, it will fail and will cause disaster. We have to make sure it is used as a communication tool where there is low level of concern. Where there is high level of concern, where there is concern that a child's safeguard is in jeopardy, then the existing child-protection mechanisms, or however they are going to develop out of the safeguarding process to follow, still need to be robust as far as we are concerned.

Chief Constable Grange: I agree with what has been said. In West Yorkshire each of the agencies has its own IT system, and sat above that is another system called Liquid Logic. It takes the information, pools it and enables people to see that another organisation has just recorded a concern, be it an

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educational concern—about Terence Grange. It may be of no interest to the police service, but the education service may then notice that the police have just recorded a concern about the same Terence Grange. At some stage you have now got two or three concerns, and they are all clear to the group working together in West Yorkshire. The difficulty comes when Terence Grange moves to South Yorkshire, because it does not follow; and it is working out a system that enables you to track people across the country which will be the art; and that will take some doing. I would agree with the second part of what has been proposed. You do not want to create this system and turn it into just a child-protection issue, because that is one very small part of what is trying to be achieved. We are looking at the best possible outcomes for all children. If the police or the social services, or the police and social services together create the child-protection database that others can look at, subject to certain protocols, that might be a good idea; but we are here discussing something far wider than that.

Q183 Jonathan Shaw: What about your GPs, Gill Morgan?

Dame Gill Morgan: Can I distinguish between two sets of issues about sharing data? There is the sort of tracking system we are talking about, to allow organisations to share high-level information about contacts, which I think, if you look at some of the best examples of inter-agency sharing, there are many communities that have probably got agreements not far off allowing them to begin to implement this type of structure. The second issue is getting professionals to share the information and to be comfortable about sharing that information. That is a particular challenge for the Health Service, often because of the nature of that information. There are two sets of anxiety. One is about the nature of information on a medical condition that has major implications for the well-being of that child, for example a diagnosis of HIV, which is fundamentally important because of the associated stigma. How do you share that information? The guidance around that is that practitioners ought to share even that type of information if there is a risk either to the child or to other healthcare professionals by that information not being made available. One of the problems for the Health Service is not just persuading practitioners to share the information; it is the fact that you are in contact with all children, and that children currently admitted to different hospitals—and this is part of the Climbié stuff—will be given a different record in each of the individual hospitals. You have to set this concept of sharing information together with the reforms that are going on in the NHS, which is the National Programme for Information Technology, which is aiming to give every individual a single integrated patient focused record, which will be a very useful way of linking in a whole set of stories of an individual child, and that would avoid what happened with the Climbié child happening again. That record for that individual child—when the

child goes into hospital—would say that this child has been in four A&E departments in different parts of the country over the last month. We are beginning to get at some of the backing to this support through other programmes within the NHS. The other thing that is really important is that the medical profession and the Health Service take confidentiality so seriously—and there are real ethical issues around the medical diagnosis. Some time ago a major review on confidentiality was done by Dame Fiona Caldecott, who was President of the Royal College of Psychiatrists. Every NHS organisation is obliged to have a Caldecott guardian who really works with professionals locally to agree the nature of information-sharing. It has been very interesting because many of the Caldecott guardians, who initially we believed would be a block to any information coming out, have been quite enabling because some of the professionals, when confronted in a local discussion and debate, realised that they are things that people hide behind, rather than realities, but you have to have that conversation in small areas where people understand and get to know each other. Some of the Caldecott agreements that have been reached with people have enabled far more sharing than people believed was possible.

Mr Hawker: I endorse that view. Local authorities have to have Caldecott guardians as well. It is absolutely right that some of the barriers are more in people's minds and beliefs than they are in actuality, and you need to work them through. Then people find that they can share information better than they thought they could. The development of an all-child index to form the basis of a data sharing spine on all children, and the kind of position that we want to get into eventually is a very complicated affair. It is proceeding and we would certainly like it to move faster, but there are many complicated issues surrounding it. I do not think we will ever be talking about a single database for all children which will serve every purpose; we are talking about a database which will form the heart of a range of linked databases in each individual service.

Dame Gill Morgan: Despite a lot of misunderstanding, every doctor and every nurse is bound by an absolute responsibility to share information if they believe that a child is at risk, and that overrides any duty of confidentiality. That is sometimes misunderstood, but it can be difficult at the grey borderlines. Without doubt, that absolute responsibility stands.

Q184 Jonathan Shaw: That is at the danger end, is it not?

Dame Gill Morgan: Yes.

Q185 Jonathan Shaw: When what we are actually talking about is broad areas of concern.

Dame Gill Morgan: Indeed.

Valerie Davey: As you were saying, we could stay with that for a long time, but I must move on to Paul. We are talking about different aspects of integration now, perhaps governance and accountability.

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Q186 Paul Holmes: In regard to the question of inter-agency governance, there are some requirements in the Children's Act which require the appointments of directors of children's services and lead members, and there are the proposed children's trust boards. There are various things in the pipeline to get agencies co-operating and working together, to make clear who is in charge; but then there are chunks of relevant people and organisations that fall outside these, like general practitioners, registered social landlords and schools. Are the inter-agency governance arrangements too limited?

Cllr Kempton: There is certainly a challenge in your question, which is how we can use influence to get people to follow a particular set of policies which may be laid down by a children's trust. There is some scope, using the inspection framework, but I think local authorities would say that they have some anxieties about the assessment of their performance through corporate performance assessment, for example, against the performance effectively of other authorities with whom they have the ability to influence but not necessarily the ability to control. The issue of accountability of that authority is one of concern to us. We have certainly seen increasing fragmentation of services, in arm's length management organisations for local housing for example. That provides increasing challenges when the accommodation that families are in can often be a major determinant of the health of the children. You are right to identify this challenge that we are facing, and it is one of the issues we want to keep exploring with government. We are used in local government to working with a whole range of partners, and we are used to working in an area of accountability without authority, but that does not mean to say that that is necessarily the preferable place to be. However, in the real world I think we function reasonably well at the moment. We need to look at putting the outcomes at the centre of what we do, and that will help to focus people's minds on those areas. Equally, we need to explore some levers for accountability, not only with schools, which is probably the most obvious example, but other areas as well. Taking schools for example, there are concerns about admission arrangements and about schools excluding pupils and needing protocols across the authority to ensure that all schools participate in taking pupils that have been excluded from elsewhere. We are well placed to ensure that those protocols are drawn up and accepted. We feel that there are not necessarily the levers which would enable those protocols to be required of people, so there is an area of concern there. You may well be aware of the recent case of the Oratory School, which went to the High Court and has now secured the right to interview parents. Just when we thought we had got to the point where that was not going to be part of the agenda, we seem to have turned the clock back. While that is around, many people have real concerns about the ability of schools to float off and operate outside the family of the local education service.

Q187 Paul Holmes: Anyone else? Gill, for example, in terms of GPs?

Dame Gill Morgan: Yes. Can I get at it again in two ways, because there is the issue about how do NHS organisations—primary care trusts or hospitals—play into this? I suppose there are really three ways in which there is some sort of encouragement to work in a collaborative way. The first is the local agreements with your partners; and you should not downplay the importance of those good working relationships because we are intertwined, not just on children but on so many other things, that it is in our benefit as individual health organisations to work co-operatively and collaboratively, otherwise all sorts of troubles can happen. The second thing we have is that every NHS organisation is inspected by the Healthcare Commission. This is over and above the joint area reviews. This is what they look at within health organisations. Getting those standards right and correct around children could be a major statement, because that is what determines your STAR status and it can impact on your money, it can impact on your future. That is a very powerful incentive. The third driver on NHS organisations is the performance management system exercised through the Strategic Health Authority in the Department of Health. The issue about that, and it is a general question, is how important children genuinely are within all the priorities that come down the line. If the children's services for the Department of Health are not as high as a priority as some other things, for example waiting lists, then it is harder for NHS organisations to give the time that they may wish to give for the other reasons to the children's services. So that is three. If you look at individual GPs, they too have a multiplicity of control mechanisms that I think we forget about. The first is that they have to have professional standards. Many of them are members of colleges who put out best practices. The second thing is that they will have some form of revalidation. It is up for debate what that looks like, but it will be carried out by the GMC and that will look at competence to practice on a regular basis. The question at the moment is how much is in there and how we can influence to have children's issues as part of the revalidation for primary care. I think there is a lot to play for there. Ultimately, where practices fail, you have the input of the GMC. That is a more draconian bit of poor performance which you would not want to go for: you would want practices to be revalidated and demonstrating that they have high quality. You then have two other ways in, which I think we have to be much more canny about how we use. One is that the contractual framework and how we use the quality framework which gives 50% of the income to practices comes through the quality standards. Again, influencing and changing that to have more focus on children seems to me to be a very useful measure of achieving some of the stuff we have talked about. Finally, as part of the new GP contract, there is the ability for a primary care trust to commission additional services from general practice which are over and above the core

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standards. For example, I am aware of primary care trusts which have commissioned services and then have a contractual basis of quality and therefore can build into the contracts some fairly clear things about the duty to collaborate, where primary care trusts have services specially developed for looked after children, where they have special services developed for refugees as a whole, including children, and in that we can include, with our partners, some very clear contractual requirements that could put some very clear focus around primary care and what it needs to deliver for some of the most disadvantaged children. I think we have to be really clever by thinking about all the levels of intervention and using them in a coherent way rather than actually focusing on any one component of what is an already complex system.

Mr Hawker: I think governance is an interesting one in the context of inter-agency working, because we are really talking about statutory agencies which are not relinquishing their statutory duties but are sharing, if you like, the overall accountability in their area; and that means that we are talking about partnership and, effectively, a voluntary arrangement for having a single set of agreed outcomes, programmes, strategies, and so on. In that light it seems to me that persuasion and a canny approach to incentivising partner organisations, schools GPs and one another and, indeed, the voluntary sector, which is clearly very important, is the right way forward. We will be looking at the governance arrangements which bring together the top decision-making boards of the statutory partners in making joint decisions about key issues, and that is as far as it goes, effectively. Certainly where we are locally if the PCT Board and the Council cannot agree on a particular decision, there is no tie-breaker because we are entering into a voluntary partnership. We have to go back and think again and come to a decision where we will agree on a particular set of decisions, and holding the partnership together is as much a matter of establishing the same vision, the same set of objectives, agreements on how we are going to work together and then holding one another to account for that, as about any kind of formal legal arrangement. I think there are some very powerful levers. The inspection lever is clearly one, and that applies across the board through the various inspectorates, and it is very important that the inspection frameworks should place the priority on meeting the five *Every Child Matters* outcomes wherever they are operating, and that that should then place a premium on the partnership working. Another of the levers, of course, is funding and commissioning, where we need to make sure that, as far as possible, the partnership governance arrangement is empowered to commission services and, if necessary, decommission services from partner organisations according to what the need is, so that there is a lever there in terms of, if you like, prescribing what is needed locally to deliver the best outcomes for children. I think those two levers are quite powerful in the overall set of arrangements.

Mr Coughlan: If I may come in, I would support what David has said. One of the reasons why we urge caution about the prescriptive approach to a structural solution and the development of a Director of Children's Services role is precisely because it was always going to be the case that, whatever sub-structural solution you came to, there would be elements of children's services outside of the orbit of the Director of Children's Services; and there is an ambiguity about saying we will have a buck-stopping approach which is clearly defined, but, alongside that, there is a set of brokered relationships and negotiated arrangements which are necessarily going to be part of the piece. That is why we felt that needed to be developed through local solution. I would add, just to follow up on what David has said, that I think joint commissioning is critical, and that is one of the few areas where my authority, for example, has gone into a pooled budget arrangement where we have got a very clearly defined set of relationships between the three major players—education, health and social services—about the ways in which services will be developed and delivered and also decommissioned, because that is critical also, and making sure that the children's strategic partnership is very close to the joint commissioning process so that all of the other agencies, including the police and the voluntary sector, are close to that decision-making as well. It is critical. The role of the local strategic partnership is significant as well, because that is developing, in some areas, into a more fluent and authoritative body, and, particularly if local area agreements are to develop that function to a stronger level with resources attached, I think there is a stronger capacity there. The caution that I urge as well around the inspection lever, which I think is a very positive lever and can be brought to good effect, is that it has got a long lead into it, because I think it will take time for those standards to be developed, to be understood and, frankly, for agencies and individuals to recognise the damage to be done by not following the framework properly. It is going to take some years before we have got that clearly built into the system.

Q188 Paul Holmes: David said earlier on not to rush into pooling budget arrangements until you were sure you were going, but you said your authority is already doing that?

Mr Coughlan: No, I absolutely agree with David on that. I worry enormously about people seeing pooled budgets as a solution. It is a little bit like the co-location argument. Put everything in and everything is fine. One of the risks around pooling budgets, for example, is that it is cynically potentially a mechanism whereby agencies can wash their hands of responsibility—"We have put our money in the pot and we are walking away now"—and that can be hugely damaging. I am sure that does not happen usually, but I think there is a risk there. We specifically went for a single pooled budget around joining our commissioning processes together, because we saw that as a critical lynch pin

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for joint working, and it is also an area where it is easier to negotiate what the level of the pot should be. For example, we are a long way short of some of the measures that some authorities are going through to pool their budgets for external specialist placements because we think that is such a volatile budget. Joint Commissioning is a much more stable arena where we knew exactly what we wanted to do. We were very clear about drawing together planning and strategic activity, less clear about defining commissioning, which is a different story altogether and which has been an interesting journey for us, but an area where it is easy to say that is our joint investment into what is a very specific function around analysing need, developing services, commissioning services and decommissioning them based upon, and in view of, that need, and that is working well on a very small local basis.

Dame Gill Morgan: It is back to the heart of this is making sure that the tasks we set ourselves are based on the outcomes. The real danger is, if the task is defined as getting pooled budgets, getting pooled budgets becomes the task but it does not necessarily achieve the outcome for children, it always pushes back to the outcome, and allow flexibility for us to work out what is right. You have to remember that every organisation is starting this journey from a different place. Many places have excellence, but it may be isolated. Other people do not even have the relationships yet to get to base one. What works in your patch might be a complete disaster in another patch because there is not the trust, the history of joint working. In other places they have found more creative ways of doing things where they have never had to ask those questions because the rules were not there when they got into the long-term partnerships.

Cllr Kempton: It also presupposes there is a budget there to pool at the moment. For example, improving services for children with a disability might be an area where you would want to work together, possibly jointly commissioning, possibly with a view to pooling budgets in the future. Doing something about obesity, healthy eating and sport is clearly a key target both for local government and for the health service, but it is not necessarily going to be very easy to identify a budget within the NHS with which we could pool. Indeed, I think the evidence is clear; the interest is still largely focused on secondary services and the needs of trusts.

Q189 Paul Holmes: We have already talked about the fact that GPs are outside the system—it was not on the face of the Act that they had to collaborate—and I think David and John and Gill all said that the role of PCTs will help them come out, especially the budgetary power. As we move to practice-led commissioning, is that not going to put more of the money into the GP's independence and less into the PCTs?

Dame Gill Morgan: Yes, but practice-based commissioning has to happen within the context of both national and local priorities. It is not just handing over a blank cheque and saying, "Do what you want." Every primary care organisation has to

have a local development plan, every local development plan has to take into context the local children's plan developed with local government, and practice-led commissioning ought to give you more flexibility as to how you achieve those outcomes. It should not—and the guidance is very clear—distort those priorities.

Q190 Paul Holmes: So the PCT would still play a role with the others in setting the criteria?

Dame Gill Morgan: Indeed, but what I think it is trying to do is free up the difference between "What do we want to achieve?", which is very much part of the goal of the primary care trust working with general practice and with other partners, from a "How do we do it?" Practices may have innovative ways of doing it that you may want to unleash and try, but it has to happen within a context that is taking you in the right direction.

Mr Hawker: One of the things we need to guard against is money that is saved from the local commissioning arrangements at the practice level being reinvested in something else. We need to look at how it can be reinvested into better services for children, if that is how it is being used. There is a parallel here in terms of schools with passported budgets and the extent to which we allow or we encourage schools to set up foundation partnerships to deliver services on our behalf for children over a local area. The issue there, I think, is very similar in terms of how are you going to be able to monitor the fact that the money is being effectively used in the way that it is intended to be used for those children. We need to work with government on the mechanisms which will secure the right services for the children through those approaches, because, both with GPs and with schools, although you are setting out a performance framework and although you are saying, "We want to specify the services which you are going to deliver", we need to have the monitoring arrangements and, if you like, the accountability arrangements which will ensure that that does happen.

Dame Gill Morgan: Just to clarify, savings have to be agreed by the Professional Executive Committee before they can be spent. I think one of the early tasks is making sure there are proper local agreements about how children's services are dealt with as part of the arrangement.

Q191 Paul Holmes: On the pooling of budgets, the Audit Commission have pointed out that there are some practical problems—one organisation pays VAT, another does not—different budgetary cycles. The VAT one hit Connexions quite badly, for example. Are they minor issues that we can get round quite easily, or are they serious obstacles?

Mr Coughlan: I think they are serious obstacles. Some of the bureaucracy around pooling budgets is part of the disincentive, and the work that is required to get through that bureaucracy, we certainly feel in the smaller authority, can be better invested in developing some of the cultural arrangements about joint working and look again, as Gill has said, about

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what were the outcomes that we were intending from the pool. We would enter into it very hesitantly, particularly around services. We can find very easy ways of making sure the shared money is getting to the service user without getting into complex bureaucratic arrangements which are not necessarily going to help, and I think the evidence-base for them is a bit weak.

Dame Gill Morgan: I totally agree. On the issue about pooled budgets, there are barriers to making true pooled budgets work, stripping virtually all budgets, there are all sorts of ways, because at the end of the day, and it is not just children's services but across the board, it is the intent to work collaboratively that is the thing which creates collaborative working, and when you want it to succeed we have enough opportunities and rules to allow us to do it. The problem is not the people who want to make it succeed. My personal view is that sometimes a lot of these issues are used as barriers: because we do not want to do it therefore we will find 24 reasons why it is hard, rather than do what you are talking about, which is "Let's just make it work". In the best places that is what they do; they make it work.

Mr Hawker: The point that I made earlier about the pooling of budgets is that the pooling of budgets follows the service specification, and, clearly, where you are talking about a service, for example, for mental and emotional health (which is CAMHS), plus a whole range of other associated services, if you want to review and re-specify that whole range of services, you are looking at an entire service continuum and the budgets for that service continuum are held in a number of different places. Part of the service review is the identification of what money is being spent where and how within that whole thing and then reshaping it; and then, if you like, the outcome of the process could be either a virtual shared budget or an actual shared budget, but it would certainly be a budget which was seen as a whole, as a single entity delivering a good quality service across the board.

Valerie Davey: I think you are touching on the last area of questioning we want to look at, which is how far is government thinking integrated?

Q192 Mr Pollard: Can I apologise for being late. Sixteen Ministers have signed up to the across departmental work on the *Every Child Matters* agenda. What is your view of existing levels of coordination within and between government departments as regards policies which affect our children?

Jonathan Shaw: This is the moment we have been waiting for.

Dame Gill Morgan: You have almost got to answer this in context, have you not? If you look at children and you compare the context of most of the stuff that we looked at for *Joined Up Writing*, this is an exemplar of good practice. There is much more to be done to make it truly joined up, to truly get the markers down that each department is looking at

things which are the same from each system, and we are way off that, but, compared with most of the stuff we try to do in a joined up way, this is far better.

Mr Coughlan: I think it is developing rapidly, thankfully. Certainly the level of engagement that we are experiencing as an inter-agency group and through social services with the DfES and with DOH on this agenda is unprecedented, and I think officials and politicians have to be applauded for that. The level of dialogue is extraordinary and very positive, I think. I would have to make one comment, though, on an area which we have not talked about. One of the things I do for ADSS and LGAs is Chair a body called the Youth Crime Group. We think it was an error to publish a separate agenda for young people who offend alongside *Every Child Matters* and we think the need to integrate and be very explicit and forward thinking from central government in the integration of the youth crime agenda with the children's agenda in a way which does not deflect from the obvious priorities around tackling and preventing youth crime, but recognises that children who commit offences, without excusing them or trying to defend them, are exactly the same constituency as children who get excluded from school, children who become in need of protection or have CAMS needs, and I think we need to make sure that we do not rehearse that separation in further working around this agenda. It has to be fully integrated across the piece.

Chief Constable Grange: I would have to agree totally with what has just been said. Some years ago now, when I was based in Somerset, I was working with Taunton Deal Council. All the elements of Taunton Dean Council, the police and probation, pooled all the information they had on a geographic basis, and the brighter red the colour got the more of us were engaged with that address. The bright orange one turned out to be a community home where all the kids with problems had been placed and we all had an interest. Here we are now and the Home Office National Policing Plan does not mention child protection at all. The two words are not in there. Pages one and two talk about children and anti social behaviour orders and curfews. A colleague of mine suggested that we are demoralising children and we should be asking ourselves what kind of adults we are creating. If the DfES are going to produce their document and the Home Office are going to produce their document, it would help if they would get together and ask the professionals who can advise them as to the best way to do this, jointly or together with them. We would argue from the police that *Every Child Matters* started off badly so far as we are concerned, because we were not consulted about it, but the last four months has seen a radical change. We have now sat down and had serious discussions with senior officials at the DfES. In terms of child protection, a senior official at the DfES attends my national child protection steering group, and so does Paul Clarke from the ADSS, so we are ever more closely working together but we are the ones creating that. It is not coming from a national leader at a political level because these

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things are being done in isolation by the political leadership, and we think that it could start there. They all sign something, but then the National Policing Plan did not mention child protection?

Dame Gill Morgan: Could I mention something which is not about integration of the central bit, it is the fact that having refreshed my memory in preparing for today, there have been 52 different documents published in the last three years, of which 43 were this year, and there are a further 17 coming. When you read them you really have to challenge how much added value comes from document to document, and there is a real issue which is not perhaps about joining up, the bureaucracy is not just about demanding things from the people trying to implement, but it is giving so much guidance that nobody can read it. In many of our organisations there is the only one person dealing with the whole of the children's agenda, and I reckon they are fully occupied just trying to find the one nugget of wisdom in the very large document that is turned out. There is something about how, once you get some degree of integration—and we agree it could be better—that is then communicated, and it does appear to me that there is rather a growth industry, in terms of writing things, going on that I think is beginning to obfuscate the very simple messages rather than clarify them.

Q193 Mr Pollard: Is that initiative overload?

Dame Gill Morgan: It is not initiative overload, it is helpful guidance overload. Unfortunately, because they are not always written by people who have ever done anything, it is not necessarily desperately helpful. There are a lot of words. This is an edited selection I brought with me deliberately today. This is nowhere near a twentieth of what has already been published. It is enormous. By the kilogramme no child should ever have a problem, but the reality is that everyone who needs to know is too busy reading it to be doing the things that we all know, and have known for many years, should be done.

Q194 Jonathan Shaw: Lots of witnesses come in front of us from professional backgrounds saying, "We are not getting enough guidance from government. We need more information."

Chief Constable Grange: When I became a Chief Constable, which is under five years ago, there were two places in the Home Office that you went to for funding outside your general grant. There are now 29. We are drowning in parts of the Home Office, saying, "You can have this money if you do that", but they are not talking to the office next door, and that is just within the Home Office. If you then pass it to the other departments, there is an awful lot coming at us, and it does not stop.

Cllr Kempton: The message you are getting from the different sectors and you are hearing together is a consistent one, because I think we all share the view about engagement across government in this agenda, and probably, compared to other areas, it has been a model of cross-departmental working. However, there are major areas, and funding is the

significant one, in relation to bringing together different funding streams within individual departments but also across government. There is a concern about Gershon efficiencies and how they are going to overlay what is a major change programme. I do not think any of us at the sharp end of that are very confident about delivering major change at the same time as a shrinking pool of funding. That is an area of concern in relation to putting money behind the *National Service Framework for Children*, which I think is a great document to have, but because we cannot see the funding streams which are going to support that, there are some major concerns across government to do with funding. There are also major concerns, as has already been highlighted, about where the Home Office sits in relation to this agenda. We are all saying that the Home Office needs to be drawn closer to this in the way that the Health Service is doing. The idea that the welfare aspect in the Criminal Justice Bill has been removed seems to me a flag of concern really, and, as you have already heard, the fact that the children are offending is, I think, a marker of other concerns which may be to do with schooling, which may be to do parenting or with social services. I would also like to flag up some concerns in relation to the DfES and joined up government. We probably have not talked enough about the role of school governors. They seem to be a forgotten group in this government's arrangements. There seems to be, on the one hand, a concern that school governors are being over laden with responsibility and, on the other hand, increasing the responsibility that the governors are going to have either within foundation schools or foundation partnerships. I think it is a concern about the inspection of schools and whether that is going to be sufficiently on message with the joint area review type inspection, and I think again, as I have highlighted before, a concern that within education, within schooling, there is a message coming out that schools are somehow going to become more separate from local authority services at the same time as we are talking about health and the police becoming more intimate partners.

Mr Coughlan: I just want to come back on that point about witnesses who said they wanted more guidance, because I think I could speculate that that will be about two things. One is that the Children Act 1989 came with a welter of guidance, all of it excellent but extremely difficult and heavy-going. Everything that has followed since has come with the ambition not of replacing existing guidance but as simply supplementing it. We are over laden, I think, with quite complex guidance, and it may be that what people are saying to you otherwise is, "We want to be pointed to the simplest, clearest direction." The second element to it is that one of the points within all of this that I worry enormously we are going to miss is about the pure skills of directly working with children, communicating with children and giving people the tools to do that. I know the Government are very committed to developing a strong programme to develop the workforce. We entirely support that and are very keen that that

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should happen rapidly with investment, because we have got an army of children's staff who are very dedicated, very committed, but sometimes they feel under-skilled in doing basic direct work, and we have to remedy that very quickly, otherwise the referral process, the team processes, the assessment processes will not be addressing the problems of children and their families.

Q195 Mr Pollard: Could I ask a specific question of David Hawker, please? If an individual school is performing well in terms of educational attainment in line with the five-year schools strategy but badly in terms of social community inclusion—the concern of ECM—what should be done?

Mr Hawker: Most schools that do one well do the other well as well. I think it is a false dichotomy to say that you either do achievement or you do inclusion—that is the first point—but there are schools who clearly strive for better achievement more than they strive for inclusion. I think we do need to be fairly rigorous with those schools in terms of their broader social responsibilities. They do have a responsibility to the community they serve, and they serve the community, and education is a means to an end; it is intended to get young people growing up as contributing citizens in society, and schools are not doing their job effectively unless they secure that, and that means effectively for all children within a local area. This is where the partnership comes in, of course, because this is where schools do not do it all alone, they do it in conjunction with other agencies, and there are clearly a number of children who, for one reason or another, need a lot of other support to do it, but schools doing their job properly will not opt out of that agenda. I think James made the point about the school inspection framework, that it is important that that inspection framework actually does highlight what success is in terms of children growing up and thriving in society, and that is not just about achievement. Achievement is one aspect of it, one dimension, and a very important dimension in some ways, for many children the most important dimension, but for other children you have to make sure that they are properly included and that they are helped to overcome their difficulties, and schools need to do both. I do not think a school can be truly successful unless it does genuinely address both aspects.

Q196 Mr Pollard: One final question, Chair. All this is about risk. We have the cotton wool end of the spectrum or the *laissez-faire* end of the spectrum. Have we got it right yet?

Mr Coughlan: I would argue that one of the concerns that we have with the change agenda, we support it we promote it, we work hard at it, but we must not fail to recognise how well some of the services have continued to work, despite some of the barriers that they face over the years. We have a very successful system of protecting children in this country. Regrettably and tragically, some children have slipped through the net previously. Regrettably and tragically, they are likely to do so again, however

well this goes. Particularly for the sake of the workforce, we must not fail to recognise how well they go about their work on a day to day basis. I do not think we have got it right yet. As a child protection person, if you like, the one thing I have learnt through this process is that the day you think you have got it right it is going to bite you very badly. We must not have any complacency, we must have a culture of constant vigilance, but we must balance risk, because otherwise we will be too interventionist.

Chief Constable Grange: May I come at it from a purely police perspective and agree with what has just been said. I do not think you will ever get it right. In my area I deal with child protection and the management of sex offenders, and there is an expectation in this country that we will produce a risk-free environment for children. If you do, when they grow up they will get badly hurt. They have to go out and experience life and find out what the risks are. When we start managing sex offenders, we are managing an environment in which the risk is never going away, and everybody engaged in it knows it. What they also know is that on the day they fail, all the successes will be forgotten and everybody will turn their guns on the individuals who appear to have failed, and that is not a good way to manage anything?

Dame Gill Morgan: I think it is even more complicated than that, because you can find in the newspapers the important commentators on health performance, in the same newspaper an article damning health care professionals for not intervening on a child who is damaged and the same article damning health and social care professionals for taking children into care and actually pushing the boundary of risk too far. I think we have a real problem: that we do not actually know what we really want out of it. Here is an example today, just listening on the radio, this evening there is a programme about brittle bone disease saying that potentially 20 children each year may be misdiagnosed of child abuse whereas it is brittle bone disease. Just set that against the context of the children who are genuinely damaged. We are ambivalent. I think politicians have a key role to play in this. There needs to be a proper debate about the balance of risk, what can be expected and what you should expect from the professionals who work there, and what you will stand up and support for the professions of work, because when you are under those circumstances it can feel very unforgiving both ways.

Q197 Valerie Davey: Thank you all. We were advised that this would be an important session, and it certainly has proved to be. It is hugely complicated. We are learning every time. We have learnt an enormous amount this afternoon from five highly committed people to an agenda that we have all signed into and from whom we have learned a great deal and from whom we also know there is a huge commitment in all the work you are doing. I want to personally say thank you very much indeed,

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not just for this afternoon, but for all you are doing, and just before you go, it has been an intense session, but is there anything any of you feel that you have not mentioned and wanted to say, either now or later? Is there anything any of you want to say immediately as a final comment? Can I ask each of you: is there anything you would like to add to the session today?

Dame Gill Morgan: No, I have got my two tirades in, so I am happy now.

Valerie Davey: I think you have all had the opportunity to come in, but let me say, as the Chairman would certainly say if he was sitting here: if on the way home, or tomorrow, or over Christmas you suddenly think, "Oh, that is important", please do let us have it, and please, later on, if there is anything that comes to your mind, send it in. We would be delighted to hear from any or all of you. It has been a useful session. Thank you very much indeed.

Monday 10 January 2005

Members present

Mr Barry Sheerman, in the Chair

Valerie Davey
Paul Holmes
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Memorandum submitted by Peter Newell, Children's Rights Alliance for England and Adviser, European Network of Ombudspersons for Children

CHILDREN'S COMMISSIONER AND "REASONABLE PUNISHMENT"—SECTION 58

CHILDREN'S COMMISSIONER

1. The legislation in Part 1 of the Children Act creates the weakest Children's Commissioner in the UK, and probably in Europe. The lack of a human rights-based general function and lack of independence suggest that the Commissioner is unlikely to be admitted to the European Network of Ombudspersons for Children (see letters from the President of ENOC to Mrs Jean Corston MP, Chair of the Joint Committee on Human Rights, March 2004 and to Margaret Hodge MP, in October 2004).

2. The legislation fails to meet international standards (the "Paris Principles" on the status of independent national human rights institutions, adopted by the UN General Assembly, 1993; the Committee on the Rights of the Child's General Comment No 2, "The role of national human rights institutions in the protection and promotion of the rights of the child", 2002).

BACKGROUND

3. The Government's promise in *Every Child Matters* to provide children in England with a powerful independent champion was widely welcomed. But when the Children Bill was presented to Parliament in March 2004, the Commissioner legislation in Part 1 was very widely criticised for its weakness and lack of independence.

4. Part 1 was substantially amended by cross-party amendments during its passage through the House of Lords, strengthening the general function in line with the other Commissioners across the UK and adding significant powers. The Government made some concessions, including accepting that the Commissioner "must" have regard to the UN Convention on the Rights of the Child (instead of the original "may") and enabling the Commissioner to initiate formal inquiries, after consultation with the Secretary of State.

5. But when the Bill returned to the Commons, the Minister in Standing Committee introduced a series of amendments to leave out five references to children's human rights and to remove various other powers added in the Lords. In Standing Committee, the Minister reiterated her very misleading belief that the Government was creating "the very best Commissioner in the world" and "a much better Commissioner than those elsewhere" (Children Bill Standing Committee B, Tuesday October 12 am, cols 16 and 17).

6. Margaret Hodge also suggested that a focus on rights "would limit the work that the Commissioner could do on behalf of children" (col 17). The implication that human rights provides a narrow framework is absurd and does not sit easily with the Government's strong overall promotion of human rights and its desire to build a culture of human rights.

7. Parliament was also misled over the extent and nature of consultation with children themselves over the establishment of a Commissioner. It was disingenuous to suggest that children had drafted the five "outcomes" which the Commissioner is required under section 2(3) to be particularly concerned with. There was no consultation with children on the function and powers of the Commissioner. All the organisations of children and young people involved in campaigning for the Commissioner advocated a strong, rights-based Commissioner

MAJOR CONCERNS

8. The major concerns of the broad group of organisations campaigning for an effective Commissioner, echoed by Parliamentarians from all parties, are as follows (also see in Annex below a final statement issued by the campaign group of organisations when the Children Act completed its parliamentary passage):

9. General function: the Commissioner's general function (section 2(1)) is "to promote awareness of the views and interests of children in England". This is an important function, but not an appropriate general function for a human rights institution. The general function of the Commissioners in Wales, Scotland and

Northern Ireland, like those of similar institutions across Europe and the world, is to promote and safeguard the rights and interests of children. In addition the Government re-inserted in the Commons a bar on the Commissioner ever conducting “an investigation” into the case of an individual child (section 3 enables the Commissioner to “hold an inquiry”, with strong formal powers, when s/he considers that the case of an individual child raises issues of public policy of relevance to other children). Those campaigning for an effective Commissioner were in full agreement with the Government that the Commissioner should be under no obligation to investigate individual cases, and should not get bogged down in them. But it is not appropriate to have a complete bar on any investigation short of a formal inquiry.

10. Right of Secretary of State to “direct” the Commissioner to carry out a formal inquiry: The Government persisted in defending this provision (section 4 of the Act) in the face of widespread criticism. The provision plainly conflicts with the independence of the institution. Section 3 enables the Commissioner to initiate formal inquiries after consultation with the Secretary of State. It will of course be possible in addition for Ministers to request the Commissioner to carry out a formal inquiry. The only possible purpose of retaining section 4 is to force the Commissioner to establish an inquiry against his/her better judgment. Formal inquiries demand substantial time and expense; through this power of direction Ministers could effectively control a substantial part of the Commissioner’s activities. Ministers have adequate other powers to establish independent formal inquiries, including judicial inquiries. The Government does not seem to understand that it is not appropriate to direct human rights institutions or limit their functions.

11. Role of the “England” Commissioner in Wales, Scotland and Northern Ireland: The legislation (sections 5, 6 and 7) gives the Commissioner general and specific functions in the other countries, in relation to non-devolved matters. This is confusing for children, insulting to the established—and stronger—Commissioners in Wales, Scotland and Northern Ireland, and effectively creates a hierarchy of Commissioners.

12. There is nothing whatsoever in the devolution agreements that prevents each of the Commissioners being able to exercise all their powers in relation to all matters affecting children in their countries. During the passage of the Bill, Ministers continually implied that there were legal or constitutional obstacles to this, but produced no evidence whatsoever. Authoritative legal opinion obtained by non-governmental organisations contradicted it. The UK-wide model has been criticised strongly by the Commissioners in Wales, Northern Ireland and Scotland, and by the Welsh Affairs Select Committee.

13. Ministerial control over funding: Under Schedule 1, para. 7, the Secretary of State may place any conditions s/he thinks appropriate on funding for the Children’s Commissioner. Ministers argued that this is a normal provision for a non-departmental public body (NDPB). But it is not an appropriate provision for an independent human rights institution, where at least the core funding should be free of any ministerial conditions. The Joint Committee on Human Rights in two recent reports has emphasised that NDPB is not an appropriate status for an independent watchdog. In its 19th Report of the 2003–04 session on the Children Bill, the Joint Committee stated: “We regret that, once again, the establishment of the new office of Children’s Commissioner represents a missed opportunity to clarify the status of independent watchdogs as a different class from the standard NDPB. We discussed this issue at some length in our recent report on the proposed Commission for Equality and Human Rights. We consider that the status of the Commissioner should be reviewed when the legislation establishing the CEHR is being designed”. (19th Report, para 49).

14. We hope the Committee will conclude that the legislation establishing the Children’s Commissioner should be reviewed at the earliest opportunity to ensure a strong, rights-based general function (equivalent to that of the other Commissioners across the UK), appropriate powers and independence. We hope the Committee will encourage the Government to work together with the devolved administrations to ensure that each Commissioner is able to exercise their powers in relation to all matters that affect children within each country of the UK.

SECTION 58: REASONABLE PUNISHMENT

Peter Newell is Coordinator of the “Children are unbeatable!” Alliance, which brings together more than 350 organisations campaigning for complete removal of the “reasonable punishment” defence to give children equal protection under the law on assault

15. We hope the Committee will report on this section of the Children Act, which comes into force on January 15. Section 58 perpetuates the defence of reasonable punishment, allowing parents to continue to justify hitting their children as “reasonable”. It removes the defence only in relation to serious assault charges of actual and grievous bodily harm, wounding and ill-treatment. UK courts no longer allow use of the defence in relation to such serious charges, involving significant injury to children, so the provision represents no advance on the status quo.

16. The organisations representing those most directly involved in child protection issued a joint detailed statement when the Children Bill was in its final stages, stating that they did not believe that the clause “represents a safe or workable way forward for children and child protection. To us, the only alternative to the status quo is to give children the same protection as adults have from assault” (statement from Association of Directors of Social Services; British Association for the Study and Prevention of Child Abuse

and Neglect; British Association of Social Workers; Community Practitioners' and Health Visitors' Association; National Society for the Prevention of Cruelty to Children; Parenting Education and Support Forum; Royal College of Nursing Child Protection Forum; Royal College of Paediatrics and Child Health).

17. The Joint Committee on Human Rights, in its nineteenth report (2003–04 session), confirmed that to comply with the UK's human rights obligations, the "reasonable punishment" defence must be removed completely to give children equal protection. It concluded that what was then clause 49 of the Children Bill (now section 58 of the Act) is incompatible with the UK's obligations under the Convention on the Rights of the Child and under other international agreements. It also confirmed that giving children full and equal protection does not conflict in any way with human rights.

18. The Joint Committee concluded by recommending that the provision should be amended to remove the defence completely and thus give children full protection. The Health Select Committee in its sixth report of the 2002–03 session on "The Victoria Climbié Inquiry Report" also urged the Government "to use the opportunity of its forthcoming Green Paper on children at risk to remove the increasingly anomalous reasonable chastisement defence from parents and carers in order fully to protect children from injury and death".

19. We hope that the Education and Skills Committee will also conclude that an early Parliamentary opportunity should be used to remove the unjust "reasonable punishment" defence completely to give children equal protection and thus to comply with the UK's human rights obligations.

Annex

JOINT STATEMENT FROM CHILDREN'S COMMISSIONER CAMPAIGN CO-ORDINATING GROUP

NOVEMBER 2004

Part 1 of the Children Act 2004 came into force on 15 November 2004, and the Government is now preparing for the recruitment of the Children's Commissioner.

England's children are the last in the UK to be given a Commissioner. The Commissioner campaign co-ordinating group is deeply disappointed that the Government has failed to fulfil its promise to children of a powerful, independent champion and has instead pushed through Parliament weak legislation that fails to meet international standards.

While the legislation was substantially improved during its Parliamentary passage, there are still three fundamental flaws:

- The Commissioner's general function is restrictive—"promoting awareness of the views and interests of children in England". Commissioners in the other countries of the UK are each required by law to promote and safeguard the rights of children. England's general function is the weakest in Europe and it does not comply with international standards.
- A Government Minister can require the Commissioner to undertake an inquiry on any matter of relevance to children. This is a fundamental breach of independence.
- England's Commissioner must promote awareness of the views and interests of children in Wales, Northern Ireland and Scotland in relation to non-devolved matters. He or she can establish an inquiry on non-devolved matters and Ministers can direct the English Commissioner to go into the other countries to undertake an inquiry on any non-devolved matter. This is insensitive to the needs and rights of children in those countries—and it is insulting to the other, stronger Commissioners.

On 10 November, cross-party Peers fought to defend, for the second time, a strong rights-based Children's Commissioner.

The amendment that would have given children in England a Commissioner on a par with the rest of the UK and Europe was lost in the final stage of the Children Bill's passage by 105 to 117 votes.

One hundred and nine Labour Peers, three Cross-benchers, two Ulster Unionist Peers, one Conservative Peer, one Liberal Democrat Peer and one Independent Labour voted against a strong, rights-based Commissioner.

The Commissioner campaign co-ordinating group worked intensively with Peers and MPs throughout the Parliamentary passage of the Bill. This led to 11 very significant improvements to the Commissioner's powers and independence:

CHANGES TO PART 1 OF THE CHILDREN ACT 2004, WHICH RESULTED FROM LOBBYING BY THE COMMISSIONER CAMPAIGN CO-ORDINATING GROUP AND OTHERS

1. Commissioner “must” have regard to Convention on the Rights of the Child (Government concession adopted at Committee in the Lords, 4 May).
2. Duty on Commissioner to prepare child-friendly materials (new Clause 2 adopted at Report Stage in the Lords, 17 June—changed in House of Commons Standing Committee, 12 October).
3. In relation to general function, power of entry to institutional premises “at any reasonable time” and right to interview children, if appropriate in private (Government concession adopted at Report Stage in the Lords, 17 June).
4. “Any person exercising functions under any enactment” to provide Commissioner with information reasonably requested (Government concession adopted at Report Stage in the Lords, 17 June)
5. In relation to general function, extension of definition of “children” to include care leavers, young people in custody to 22 and young people with learning disabilities up to 21 (new Clause 2 adopted at Report Stage in the Lords, June 17—first two kept, young people in custody deleted in House of Commons Standing Committee, 12 October).
6. Commissioner’s power to initiate formal inquiries after consulting Secretary of State (Government concession adopted at Report Stage in the Lords, 17 June)
7. Commissioner’s reports have absolute privilege and other statements have qualified privilege in relation to law on defamation (Government concession adopted at Report Stage in the Lords, 17 June) (The Conservatives identified the need for this particular amendment; the campaign group supported it strongly).
8. In relation to an inquiry directed by the Secretary of State, the Secretary of State can only make amendments to an inquiry report in order to protect the identity of a child (Government amendment adopted at Third Reading in the Lords, 15 July).
9. Commissioner has power to require bodies to respond to his/her recommendations (Government amendment adopted at House of Commons Standing Committee, 12 October).
10. Secretary of State must lay a copy of the Commissioner’s annual report before each House of Parliament “as soon as possible” (Government amendment adopted at House of Commons Standing Committee, 14 October).
11. Children to be involved in recruitment of Commissioner (Government amendment adopted at Report Stage in the Commons, 2 November).

We are as strong as ever in our belief that children must have their rights understood, respected and upheld. We will continue to work together, to support the work of all of the UK Children’s Commissioners, to ensure that children get the strong children’s rights champion they have waited for, and that the legislation is changed to match international standards.

We are extremely grateful to all the Parliamentarians that tried so hard to give children in England a strong rights-based champion, and look forward to working with you again on this vital issue.

Commissioner campaign co-ordinating group

APPROACH

Article 12
 Barnardo’s
 ChildLine
 Children’s Rights Alliance for England
 Children’s Rights Officers and Advocates
 The Children’s Society
 Daycare Trust
 National Children’s Centre
 The National Youth Agency
 National Children’s Bureau
 NCH
 NCVCCO
 NSPCC
 Save the Children UK
 UNICEF UK

January 2005

Memorandum submitted by the NSPCC

1. INTRODUCTION

1.1 The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC's purpose is to end cruelty to children. We seek to achieve cultural, social and political change—influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education. The NSPCC has more than 180 teams and projects around the UK.

1.2 This submission is a summary of the NSPCC's view of the Government's *Every Child Matters* programme. It is set out below in sections that correspond with the terms of reference of the inquiry as given in the Education and Skills Committee press notice. It focuses particularly on issues left outstanding from the Children Bill and sets out a number of issues we would like to see considered further. These are summarised at the end of the response.

2. THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

2.1 The NSPCC believes that every organisation working with children, or whose work brings them into regular contact with children, must give priority to safeguarding and promoting the welfare of children, ensure that it can safeguard and promote the welfare of children, and have a strategy in place for this. It is imperative that the implementation of the strategy is endorsed, actively supported, and if necessary, enforced by the leadership of the organisation; that there is an identified person who is accountable for implementation; and that the resources necessary for implementation are made available.

2.2 Early intervention is essential, but children at serious risk today need effective protection. It is not clear how child protection will surface as a priority within the systems proposed in the *Every Child Matters* programme. At a minimum, each agency must be committed to protecting children as a pre-condition of effective joint working. Effective inter-agency protection starts with each agency having in place its own safeguarding and welfare promotion strategy and implementing it with commitment and determination. A more comprehensive integrated approach can then be taken forward from this base.

2.3 The Children Bill does not provide a framework which appropriately aligns the roles of health, social services and education within integrated services. While health, education and social services will be under a duty to co-operate at a strategic level, service providers at an operational level are not under a duty to co-operate so the mechanisms for achieving integrated services at the frontline are unclear. Partners must make plans for co-operation arrangements, and education and social services are to be jointly planned under Children's Services Authorities (CSAs), but joint planning of children's health services is not explicit in the Bill. We are concerned that the Bill does not facilitate effectively cross sector bodies to pool funds, integrate staff team and facilities within a defined legal framework that enables joint planning, commissioning and inspection. It is difficult to see how integrated services will be planned, commissioned and achieved, or what requirements integrated services will be inspected against, or how strategy for workforce development across agencies can be provided for. The Committee should explore this in the inquiry.

2.4 The NSPCC supports the Government's intention to develop schools as the hub for services for children and families, and provide children with easily accessible services designed around their needs. This would allow for the school's safeguarding and welfare responsibilities to be met, by ensuring pupils and their parents have access to a range of support services.

2.5 The National Service Framework (NSF) for Children, Young People and Maternity Services introduces safeguarding as one of its five core standards. However, sufficient resources must be made available to realise it fully and the Government must be clear on what the performance indicators are for this standard.

3. THE PRACTICAL IMPLICATIONS OF THE "DUTY TO COLLABORATE", INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

3.1 It is important that multi-disciplinary teams are established to bring together professionals from all the local agencies—social services, health, education and the police—responsible for the assessment of and investigation into children's welfare. The NSPCC believes that multi-disciplinary teams are needed to handle individual cases, carry out needs-led assessments and refer children and families to counselling, family support and therapeutic services.

3.2 The *Every Child Matters* Green Paper proposed that the most effective way of safeguarding and promoting the welfare of children is to put in place preventative services, intervene early where children are at risk, and develop/enhance effective protection services. The Government was clear that these systems require professionals to work in multi-disciplinary teams based in and around schools and Children's Centres, providing a rapid response to the concerns of frontline teachers, childcare workers and others in universal services. The proposals in the Children Bill do not achieve this. The Bill does not make it a legal

requirement for service providers to co-operate and work together to improve children's well-being. It states that strategic bodies such as children's services authorities, police authorities and primary care trusts work as partners to make arrangements to promote co-operation, and set up a "children's trust approach". Without a legal requirement to operationalise these strategic arrangements we do not believe the aims of *Every Child Matters* will be realised.

3.3 There is real evidence of multi-disciplinary teams in the Government's programme through the replacement of Area Child Protection Committees (ACPCs) with Local Safeguarding Children Boards (LSCBs), which are very welcome, as well as the new requirement for strategic organisations to co-operate to improve well-being. Proposals for a Common Assessment Framework and information sharing (addressed below) may also enhance co-operation, but they do not amount to multi-disciplinary teams. The Government says their goal is to move towards multi-disciplinary teams but it is not clear what the mechanisms would be for introducing them at an operational level, without a duty to co-operate on service delivery agencies. We believe that exhortation alone is insufficient to bring about the change necessary to safeguard children effectively.

3.4 The NSPCC welcomes the proposed screening groups to be established under the functions of Local Safeguarding Children Boards (LSCBs) to investigate and review child deaths. However, the proposed remit of LSCBs goes beyond that of the current Area Child Protection Committee (ACPC) system. The role of screening groups is a new burden. In the Committee stage debate in the House of Lords, the Minister gave assurances that the Government would cover extra costs under the new burdens procedure.¹ The Government must be held to this commitment because, unless specific funding is provided, it is likely to be very difficult to create the thorough review and investigation systems that are required. LSCBs must be adequately resourced to fulfil all their functions (including screening groups) and they should be able to influence safeguarding planning either through review and amendment of children's services plans or by producing safeguarding plans themselves.

3.5 We welcome the proposal for extended schools and co-location of services as a way of improving access by children and families. We are keen to see these services provide someone to turn to—a trusted, safe, professional adult—for every child to ensure any problems or difficulties they may have can be considered at the earliest opportunity.

3.6 It is important to recognise that it will be difficult for co-located services to engage with some children and families, in particular where parents and their children have had negative experiences of education or social services intervention. We suggest that co-located services should include partnerships with family support and therapeutic services to ensure that contact is developed and maintained with these families. The key principle is flexibility, and the need to design services—including where they are located—in consultation with both parents and children and young people. Such services are more likely to be used when they have been designed with users' needs in mind. It is also vital that children and families are able to self-refer into these services as this has a significant impact on the outcomes of the process.

3.7 Any service development that considers the development of co-located services should also look at work with children who have social, emotional and behavioural difficulties. This work should complement any health and social care intervention schemes, such as counselling and listening schemes and other therapeutic services. There is much research that demonstrates how emotional and behaviour problems, risk-taking behaviour and many barriers to learning are linked into early maltreatment experiences, and we are currently undertaking research to build up an understanding of how such experiences create these behaviours.

4. STAFF AND MANAGEMENT NEEDS: TEAM-BUILDING, LEADERSHIP AND TRAINING

4.1 The Government has stated its intention to establish a workforce which is properly skilled and adequately resourced through proposals for pay reviews, recruitment campaigns, new training routes, common core training, workload surveys and leadership development programmes. Children need consistent and stable relationships with social workers and other professionals who work with/care for them. The current reliance on agency staff can prevent stable relationships forming and can be a barrier to team-building. There is not only the need to properly skill and adequately resource the current workforce but also a need to recruit and retain more staff. This will require a substantial and sustained investment. The scale of investment required cannot be underestimated and should be of central concern.

4.2 The Government (or possibly the Committee in conjunction with the Health Committee) should undertake not just a pay review but also a review of the amount of money spent on agency staff (social workers, nurses, teachers, doctors) to assess the impact of this on social care, health care and education of children, including the limitations that agency working often places on the role in question. Consideration should be given as to why professionals choose to work in this way, with a view to changing pay and conditions of those directly employed by the statutory sector.

¹ *Hansard*, HL Deb, Vol 661, col 1176, 24 May 2004.

4.3 The NSPCC welcomes proposals for common core training for all those who work with children and families. All staff need a basic set of skills to do this, and shared training is a good way of getting people to work together. However, it is essential that, before undertaking joint training, staff should have a clear understanding of child protection within their own professional practice and their responsibilities in this regard. For example, there is a need for additional resources to ensure that teachers and early years workers are adequately trained in this regard. The NSPCC is currently involved in developing multi-disciplinary training materials for safeguarding children, through our EduCare programmes.

4.4 It is vital that the complexity of child protection work is fully recognised. Minimum training requirements and performance standards should be established for social work managers who are responsible for supervising childcare practice. These should address both the supervision skills and the specialist professional knowledge required for child protection decision-making.

4.4 The NSPCC is also working in partnership with Improvement and Development Agency (IDeA) to create a programme of training for council lead members on children's services, which every council must have under provisions in the Children Bill. It is essential that council lead members have a full understanding of child protection issues.

4.5 As mentioned above, the NSPCC believes that all organisations involved with children must have a safeguarding strategy in place and give this the necessary priority within the organisation. It is imperative that the implementation of the strategy is endorsed, actively supported, and if necessary, enforced by the leadership of the organisation; that there is an identified person who is accountable for implementation; and that the resources and training necessary for implementation are made available.

5. INSPECTION

5.1 The NSPCC supports an integrated inspection framework and an approach to inspection that tracks an individual child through the system and radiates out from the child to look at the services s/he has been in contact with. In this respect, however, this may not just include children's services. The inspection framework needs to be mindful of adult services, particularly mental health, domestic violence and substance misuse services, which are not directly received by the child but do have an impact through their work with the child's carer. The NSF has stressed that should be fully recognised. Compliance with this should be monitored through inspection.

5.2 Through the Children Bill, the Government has proposed new duties on a range of partners to co-operate and to establish arrangements to safeguard and promote welfare of children, as well as a new duty on local authorities to promote educational achievement of looked after children. The Government has consistently argued that inspection will be a key lever to encourage closer co-operation and joint working. Therefore, the NSPCC would like to see a greater emphasis in the Comprehensive Performance Assessment (CPA) to reflect an authority's standards relating to child protection and welfare, and the well-being and educational attainment of looked after children.

5.3 Furthermore, we believe there should be inspection and analysis of the partnership rather than just its component parts through integrated assessment, because under the proposals in the Children Bill for a children and young people's plan, an excellent-rated Children's Services Authority does not have to produce plan even if other service providers (eg health) standards are not good. The value of joint area reviews/inspections should be evaluated against the whole of children's services not just the component parts.

5.4 Throughout the passage of the Children Bill, the Government resisted attempts to have a duty to co-operate applied directly to schools and other service providers but agreed that schools will be a vital part of the agenda. The NSPCC is concerned that, with increasing autonomy for schools (through the Government's five year strategy and changes in the relationships between schools and LEAs), it will be difficult to tie in those schools who are unwilling to play a part. The Minister again suggested that inspection could be a useful tool in ensuring schools were part of the *Every Child Matters* agenda, and suggested that the Government could "use tools such as amending the legal framework for school inspections to take account of the [new] duties".² The NSPCC would like confirmation from the Government if and when any such amendment of the schools inspection framework would take place.

6. LISTENING TO CHILDREN; THE ROLE OF THE CHILDREN'S COMMISSIONER

6.1 Children have no vote and therefore no political voice of their own. They play no significant part in the political processes that impact so greatly on their lives. They are often invisible in government structures and their concerns go unheard. The Commissioner should act as a voice for children and ensure that their needs and concerns are both heard and acted upon.

6.2 However, the NSPCC is disappointed at the likely final shape of the legislation establishing a Children's Commissioner, provided for by the Children Bill. The Government's decision during Standing Committee to remove references to "rights" from Clause 2 of the Bill only gives the Children's Commissioner a function of "promoting awareness of the views and interests" of children. This function

² Hansard, HC Standing Committee B, col 174, 19 October 2004.

was heavily criticised by the Joint Committee on Human Rights, and is in contrast to the much stronger proposals resulting from cross-party amendments in the Lords which would have given the Commissioner the function of “promoting and safeguarding the rights and interests” of children. This latter definition would have been in line with the remit of the other UK and European Commissioners.

6.3 The NSPCC also has concerns about the power of the Secretary of State to direct the Commissioner to undertake an inquiry (provided for by Clause 4 of the Children Bill). The Government has given assurances that they foresee this being used only in cases of extreme significance. However, the Secretary of State under existing powers can already convene such an inquiry, and the Commissioner has the power to undertake inquiries himself under Clause 3. Therefore, Clause 4 is unnecessary and sends an alarming message about the Commissioner’s lack of independence. The question marks over independence and the limited function of the Commissioner legislation has even led the President of the European Network of Ombudspersons for Children to suggest that the Commissioner would not be eligible to join the network.

6.4 The NSPCC remains concerned about the role of the Commissioner regarding children in other parts of the UK in relation to non-devolved matters. As the Bill now stands there is potential for a great deal of confusion for children in Wales, Scotland and Northern Ireland as to who will represent their interests. It is not clear how the Commissioner will be best placed to listen to children in Wales, Scotland and Northern Ireland on non-devolved matters, even when considering this at the most basic level of the linguistic challenges this will pose. The Commissioner may well need offices in these countries as well as an English office and this will necessarily require extra resources. The Government’s thinking on these matters was not made clear in the passage of the Children Bill and requires further clarification. The various Commissioners are independent, non-decision-making bodies so it is difficult to understand why they should be constrained by the devolution settlement.

6.5 The NSPCC sincerely hopes that the limiting shape of the legislation will not restrict the role of the Commissioner. Pending the final shape of the legislation, the Committee should review the ability of the Commissioner to undertake the key roles outlined below that the NSPCC believes the Commissioner should have:

6.6 To be an advocate for children—The Commissioner should be a voice for children and their views should be sought to inform all of his or her work. The Commissioner should monitor the effectiveness of complaints procedures for children, oversee arrangements for children’s advocacy, examine “whistle blowing” procedures, and undertake investigations in matters of principle, where there is concern that children’s rights are not being respected.

6.7 To influence policy and practice—The Commissioner should monitor all legislation and must be consulted on proposed legislation to ensure that the needs and interests of children are met. The Commissioner should also monitor the practice of public agencies and make recommendations for changes in policy and practice to better meet the needs of children, such as in the provision of services provided by local authorities, health authorities and courts.

6.8 To oversee, review and examine child protection arrangements—The NSPCC also believe the Children’s Commissioner would have some specific child protection functions, such as to:

- Oversee and collate information on child death reviews.
- Oversee or carry out inquiries into major child abuse and child death scandals.
- Examine the adequacy of public agencies’ practices in terms of their responsibilities for children (eg child protection reporting procedures in schools, accident and emergency reporting protocols and employee vetting procedures).

6.9 To undertake and commission research—The Commissioner should identify gaps in current research on matters affecting children, undertake or commission research to fill the gaps and make recommendations for improvements. For example, looking at best practice in the collection of data and statistics on all issues affecting children, and in particular the extent and nature of child maltreatment.

7. WORKING WITH PARENTS

7.1 The NSPCC welcomes the recognition given to the important influence of parenting, and the quality of the parent-child relationship, on children, and the inclusion of “Supporting Parents and Carers” as core standard 2 in the NSF. If the aim of creating “more and better universal services, open to all families as and when they need them”, is realised, then both children’s and parents’ lives should be significantly improved. However, this will require significant and sustained investment. Additional resources must be allocated to the parenting fund to realise these aims and more effort should be put into helping parents understand how their child develops, for example through preparation for parenthood as a core/mandatory part of the national curriculum in schools.

7.2 Compulsory action with parents and families. The NSPCC recognises that in extreme cases services will sometimes need to employ compulsory measures to help parents to fulfil their parenting role. However, we believe that such compulsion should be a last resort, and that universal services should be substantially improved and widely available to support parents at a much earlier stage, before problems with their children become so severe as to require such compulsion.

7.3 Private fostering. The Every Child Matters programme and the Children Bill have done little to address the issue of private fostering arrangements, despite Lord Laming's recommendations in the Victoria Climbié Inquiry. The Children Bill proposes to create registration of private fostering arrangements only if an enhanced notification scheme is deemed to be inadequate in four years time. The NSPCC believes statutory provision should be made to ensure better protection for children in private fostering arrangements, and regrets that the opportunity was not taken in the Children Bill. The legal definition of private fostering should be clarified to ensure that children living away from their home in various circumstances are safeguarded. The current legal definition excludes some family members and not others, and also fails to define parental responsibility within the context of private fostering. The Committee should seek information from the Government on exactly how it proposes to evaluate the notification scheme during the "sunset" period provided for by the Children Bill.

7.4 Legal framework. The NSPCC is disappointed that the legal framework governing family relationship was not adequately addressed in the Children Bill. The NSPCC believes that the law must be amended to give children better protection, and to create genuine "cohesiveness of Government policy on children and young people". The NSPCC would like to see the law amended to give children the same rights to protection from assault as adults. The NSPCC believes that if society is serious about wanting to reduce the number of children who are severely abused then it must create a culture in which children are respected and treated as equal citizens with rights of their own, not as adjuncts of their parents. The proposals on reasonable punishment in the Children Bill attempt to legally define ways in which children can continue to be hit. The proposals are unjust, unworkable and send an alarming message that violence towards children is acceptable. Any change in the law must be accompanied by extensive public education on positive parenting and more support for parents.

8. THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

8.1 The NSPCC believes that it is in children's interests to share routinely only a limited amount of objective and factual information about them. This would allow professionals and agencies involved to be sure that a child has access to universal services and that practitioners know whom else to contact when there are important issues to discuss about a child's welfare or safety.

8.2 Information sharing is important but it is not a panacea. Information sharing needs to be selective to avoid information overload and to respect human rights. For example, where there are concerns for a child's safety information must be shared without reservation, but in most cases the need to share information has to be balanced against a child's rights to privacy and family life. Information should only be shared about a child where it is demonstrably in the child's best interests to do so.

8.3 The NSPCC has concerns about the routine sharing of subjective and unsupported judgements concerning children, or "any cause for concern" provided for in the Children Bill currently before Parliament. The phrase "cause for concern" is not one that is widely recognised in the childcare professions or one that has any definition in the Children Bill or any other legislation. The Government has just released a consultation on this issue, which asks, "is there any better terminology that could be used . . . rather than "concern"?"³ We are pleased to see this question being raised during the consultation process. However, we are concerned about the establishment of a new legal term and threshold in statute that may be altered or replaced following consultation.

8.4 Agencies must be allowed to retain the discretion not to disclose information where to do so would be detrimental to the child. Sensitive services such as drug services and sexual health services should be permitted to make professional judgements about whether to disclose or not in cases where perhaps to do so would result in the disengagement of the child with any service at all. The Government has offered a similar view in the consultation document recently released on information databases. However, the NSPCC is concerned that the Children Bill itself makes no such allowance and that requiring the disclosure of information by statute overrides the essential need for professional judgement to be applied to decisions about the safety and wisdom of disclosure where sensitive services are involved.

8.5 The NSPCC believes that Information Sharing and Assessment (ISA) systems can only work if the information they contain is objective, factual and of high quality. Children's services authorities will be stretched enough in ensuring that the basic details of children in these systems are correct. Government IT projects have been much criticised in recent years. Databases must be kept as simple as possible to prevent scarce resources, which might otherwise be used to support vulnerable children and their families, being used to support poorly designed IT systems.

8.6 The Committee should consider, either alongside or in light of the consultation, the role of professional judgement and the recording of "concerns" in information sharing systems.

8.7 In light of the criticisms of Government IT projects over many years, the development of information databases should be open and transparent, and carefully monitored.

³ Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concern about a child or young person, DFES, 27 October 2004, para 3.29.

9. SUMMARY OF ISSUES FOR FURTHER CONSIDERATION

- The Committee should investigate not just the respective roles of health, social services and education within integrated services but how such integration can be achieved within the legal framework of the Children Bill. (para 2.3).
- What will be the performance indicators against the safeguarding core standard of the NSF and how will sufficient resources be allocated to realise this standard? (para 2.5).
- How will the duty to co-operate be fully realised at an operational as opposed to a strategic level? What will the mechanisms be for introducing multi-disciplinary teams at an operational level without a duty to co-operate on frontline service providers? (para 3.3).
- Will Local Safeguarding Children Boards (LSCBs) be adequately resourced, and what will their role be in influencing safeguarding planning in children's services and partner agencies? (para 3.4).
- There is a need for substantial and sustained investment to create a properly skilled and adequately resourced workforce. There is a particular need to review further the impact of agency working on the various professions and services. What are the effects on provision of stable relationships for children and on team-building? (paras 4.1, 4.2).
- Joint training is necessary but professionals must have an understanding of the role of child protection in their areas and be clear on their responsibilities before this can take place. How will child protection training be adequately resourced across all professions involved? (para 4.3).
- How will the inspection framework take account of adult services that have an impact on the child via his/her carer? (para 5.1).
- How will reviews and inspections evaluate the partnership as a whole rather than just the various component parts of children's services? (para 5.3).
- Will the schools inspection framework be amended to take account of the extent to which schools co-operate? (para 5.4).
- Pending the final shape of the legislation on the Children's Commissioner, the Committee should consider the ability of the Commissioner to carry out the key roles of being an advocate for children, influencing policy and practice, undertaking and commissioning research. (paras 6.50–6.54).
- How will the Government evaluate the notification scheme during the "sunset" period provided for by the Children Bill? (para 7.3).
- The Committee should consider, either alongside or in light of the consultation, the role of professional judgement and the recording of "concerns" in information sharing systems. (para 8.6).
- How will the development of information databases be monitored? (para 8.7).

November 2004

Witnesses: **Mr Peter Newell**, Children's Rights Alliance for England and Adviser, European Network of Ombudspersons for Children, and **Ms Mary Marsh**, Chief Executive, NSPCC, examined.

Q198 Chairman: Can I welcome Peter Newell and Mary Marsh to our deliberations and say what a pleasure it is to have people with their expertise giving us their time to appear before the Committee. Everyone knows I say that with my tongue in my cheek because otherwise we would have sent the Serjeant-at-Arms to get you. You will know about our deliberations on Every Child Matters and what difference that is going to make in the way we handle these very important issues and the way in which the new system is going to work compared to what we have all been used to with individual, separate responsibilities across a number of departments. This is a very big responsibility focused on and centred in our Department of Education and Skills and we take it very seriously. We have had a considerable amount of evidence already but if today you can assist us we would be very grateful. You are the experts. Can I ask you, Mr Newell and Ms Marsh, if there is anything you would like to say to open up this session in terms of how you view the current changes?

Ms Marsh: Speaking for the NSPCC, where I have been for the last four and a half years, although what is relevant for this Committee to know is that I used to be in education; I was a headteacher for 10 years in two comprehensive schools before I went to the NSPCC, the starting point is that clearly the whole agenda of Every Child Matters is one that we welcome very much. There are many issues that have come through in the legislation, and indeed in the Change for Children programme that will follow, which fit very closely to issues that we have been concerned about for some time, including, obviously, the issue of the Children's Commissioner which you have a particular focus on today. There are obviously some things which are there potentially. It is what is going to happen in the operational reality which we still have some concerns about because there are areas where some things have not been sufficiently specified yet and of course there is quite a lot of the legislation which is open to us to understand fully by the regulation and guidance. We have been concerned throughout

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about the lack of robustness of the duty to co-operate, which I believe is an issue that you have been concerned with yourselves, and we are concerned about the proposed inspectorate framework of the Education Bill, about which we know a little bit more now than we did when you received the written submission from the NSPCC. We do not see that as being anything like sufficient to bring schools into this co-operative framework for delivery that is going to be so important. However, we certainly welcome the role of the Children's Commissioner. I am sure there will be further comments to make in a minute about where our concerns lie there, but we are very pleased that there is the opportunity to develop a much more robust strategy around safeguarding children with the setting up of the local Safeguarding Children Boards.

Mr Newell: Briefly on the Commissioner, what I want to highlight is the bewilderment felt by a huge range of organisations (which all, of course, hugely welcome the establishment of the commissioner) in the way the promise to children of a powerful independent commissioner was spoilt during the passage of the Bill. What we have ended up with in comparative terms is an extremely weak commissioner compared with those not just across the UK but also across Europe. I act as adviser to the European Network of Ombudspersons for Children which brings together institutions about 21 countries now. It is bewilderment because obviously commissioners have no power to overturn the decisions of government. Their role is primarily to advise and if necessary to embarrass and push. Given that, they need to have as much authority as possible and to be seen to have that authority, and so we are thoroughly disappointed with the legislation. The other issue which I hope your Committee will look at is that of "reasonable punishment", section 58 of the Act, and the disappointment again of a huge range of organisations who believe that children should have exactly the same protection as adults from being hit. We are again disappointed that the Act only limits and does not completely remove this very old defence of "reasonable punishment".

Q199 Chairman: Thank you for that. I have a particular interest in that as a very young MP I knew Brian Jackson who came from Huddersfield and wrote extensively on the need for a Minister for Children and a Commission for Children. Can I therefore frame my first question in the sense that if Brian was still alive, and sadly he is not, what would he think of the proposals for an English commissioner? Would he be disappointed? Would he be very pleased that at last, after all these years of campaigning, we were going to have a new structure of legislation and a new commissioner? How do you think he would rate what we have got?

Ms Marsh: Clearly all of us are pleased that there will be a Commissioner for Children in England. It is very odd that the role that we have is one that is not clearly based on a framework of safeguarding and promoting the rights and interests of children

because that is the nature of such a role already elsewhere in the UK, and indeed elsewhere in Europe and in the world. The UN Convention on the Rights of the Child would expect us to be more explicit about that, so that is clearly a matter of regret and I think is a matter of some puzzlement for those, as you suggest, who have watched this emerge over some time. The lack of clear independence seems decidedly odd because the nature of a Children's Commissioner is somebody who is going to have explicitly both the authority and the power to speak on behalf of children and challenge and intervene on their behalf. Also, one of the concerns would be about their credibility with children and young people themselves because they have to be able to deliver, have they not, if their role is going to be meaningful? I think the confusion (and I am sure you will go into further detail later) on the aspects of a UK-wide role that the English Commissioner has as opposed to the fellow commissioners in the other countries would be a considerable cause for concern and further puzzlement. It is good that the commissioner is there, and obviously these things can evolve and develop, but we have significant concern that the commissioner will not be able to follow through as we would want in the framework that is currently available.

Q200 Chairman: Peter, we had Lord Laming give the opening evidence for this inquiry and he seemed to be pretty enthusiastic about and happy with not only the proposals but also the Act. I would have thought that if anyone was going to be a reasonable judge of the success of what the Government has put forward it would be Lord Laming. Why do you differ so strongly from him?

Mr Newell: I have looked at what exists in terms of the sorts of champions for children across the UK and across Europe. In fact, the Laming report's recommendation for a commissioner I thought showed some degree of misunderstanding of the role. It implied it was to some extent a governmental rather than a completely independent post if you look at the actual wording of his recommendation. That confusion has persisted into the way the Minister defended the right to direct the commissioner to undertake inquiries and she did not seem to be able to see that the concept of independence is not really compatible with Ministers being able to direct a huge proportion potentially of the commissioner's time and energy onto a particular formal inquiry, and we know that formal inquiries are huge affairs that take an awful lot of time. There seemed to be a different conception of what a commissioner is and yet the original promise to children was for an independent champion. I have looked at the legislation establishing these offices, most recently in Malta, Mauritius and Croatia, and in each case there is a completely explicit general function of promoting and safeguarding the rights of children and there is no mention of any power of Ministers to direct. In fact, there is a very strong statement that no-one can interfere with the role of the ombudsman or commissioner.

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Q201 Mr Pollard: I took part in the debate on the Children Act, particularly on the “no smacking” bit, and supported David Hinchliffe’s amendment. I was lucky enough to be able to get an intervention, no more than that, but I stood up and said that as a father of seven children I believed smacking was outdated and should be stopped immediately. What sort of message are we sending out to children and to the world at large that we can still allow “reasonable chastisement”, that is, smacking children? After all, we have moved on from poking boys up chimneys and other things like that. It is now considered totally illegal to chastise your wife or servants, as we could do some years ago, quite rightly too, and yet we still leave children as the ones who we can chastise.

Ms Marsh: Clearly the NSPCC’s position on this as part of the “Children are unbeatable!” Alliance from the very beginning of the Alliance has been very clearly that children should have equal protection in law from assault. That is not to say that we are interested in having a punitive framework where parents are criminalised or anything of that sort, which is indeed exactly the case that happens between adults, in relation to this particular offence anyway. It has to be a pretty serious assault before criminal consequences follow. It is entirely wrong for children and young people to have in this one peculiar example a case where the rules that govern adult behaviour, and indeed the way adults behave, is entirely contradictory to the way in which we expect children themselves to behave. In every other aspect of the upbringing and education of children we talk about them learning from adult example. It is extreme and extraordinary that in this particular case there is such a robust defence of the right to allow adults to behave in an entirely different way from that which we would want and expect children to do. In any case, the most important thing of all is that the evidence is overwhelming that using physical force in this way to discipline children simply does not work. It is not the best way to establish a firm disciplinary relationship with a child which is effective and lasting into adolescence so that you have a framework of dialogue with them that allows discipline, which is clearly very important, and boundaries and consequences and all of that but where the use of physical force, striking a child, is wrong. That does not mean that physical restraint is wrong and what I would say about the legislation is that we now have something which is very confusing to parents about where the boundaries really are and not the protection to parents about the use of physical restraint which is what the amendment we proposed would have provided.

Chairman: I think we all have a pretty strong opinion on that one. Can we move on from that? We have only got an hour and we need to rattle through.

Mr Pollard: I would like Peter Newell to comment.

Chairman: This is a question that could take the whole committee all afternoon.

Mr Pollard: Chairman, I feel very strongly about this, as I have tried to maintain, and I feel most put out.

Chairman: Perhaps you would ask a quick question to Peter Newell and then we will move on.

Q202 Mr Pollard: I want him to comment on what I said before.

Mr Newell: It is absolutely about children’s status in our society. It is about how we regard children, in that if we do not give them this absolutely fundamental protection of their human dignity and physical integrity it is suggesting that they do not have the same status and rights as us. I think it is totally in line with this government’s objectives for children. It is an absolute anomaly to stick with this idea that we can with children exceptionally define acceptable violence. I think it is completely absurd and it clearly conflicts also with our human rights obligations, as a number of human rights treaty bodies have told the UK.

Q203 Mr Pollard: Some organisations have raised concerns about whether the new proposals will adequately protect children in the most vulnerable groups, such as refugees. Do you share these concerns?

Ms Marsh: Certainly we have concerns about that. The particular arrangements for refugee children to be detained are of concern to us and to many other children’s organisations. We have sought to assist with that by providing child protection advice to the Home Office on the arrangements for such places but that does not protect them in law at all.

Q204 Mr Pollard: What was the nature of that advice?

Ms Marsh: It was about the way in which they should manage the centres where children were being detained to try and ensure that the proper procedures were put in place to protect children but they are out of the normal system of protection of children while they are in such places.

Q205 Mr Pollard: Do you think that the *Every Child Matters* programme of reforms strikes the right balance between universal and targeted services? In other words, are we trying to do too much?

Ms Marsh: What the NSPCC is particularly concerned about is that while we strongly support the move towards preventative services, early intervention and early identification, ensuring that we pick problems up at an early stage, and that being done through universal services being a right and proper thing to do, there is a danger that in the period while we are establishing this different way of operating the amount of resource that is available may mean that there is a problem in that the position for the hard end of child protection may get a bit lost in the diversion of energies towards prevention. It is a bit like one of those things where you need to invest at the beginning in order in the long term to balance things so that you are dealing with them early so you will not get so much of the problems at the hard end, but in the interim period clearly you are going to have both. It is being absolutely sure that we do not lose sight of the serious part of child protection while we are developing the new intervention that is

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important. It is a very difficult balance. The principle is right but I think implementing it is going to be very challenging and needs very clear monitoring locally. That is why having some clear local standards with all the regulation that is going to emerge around the local Safeguarding Children Boards and the way they are going to operate and how local safeguarding policy and practice is going to be put into place and monitored is going to be really important. It will not work unless all the organisations working with children do themselves actively safeguard their own practice. Nobody can depend on anybody else.

Q206 Mr Pollard: Does that include voluntary organisations?

Ms Marsh: Absolutely, which is, with our training and consultancy, what NSPCC does a lot of work to assist many people with at the moment. That is an absolute fundamental. We are concerned that that is consistent and that kind of safeguarding regulation needs to be something which is not open to too much local flexibility. We need to know that across the whole framework there are some very consistent standards and regulations which apply.

Mr Newell: I feel that none of us will ever know how successful the child protection system is unless we have baseline detailed interview research with parents and children about all forms of violent victimisation of children. That is really how one should measure the success of a child protection system, not through conviction rates or reporting rates. It has to be about what is really happening to children. There has been research early in the 1990s but there has been no detailed interview research since then. I think they are very important things that government should start to do in order that they can measure whether they are protecting children effectively or not.

Q207 Chairman: So it is the Government that has to carry that out?

Mr Newell: I think the Government have the obligation so they should at least commission it. I am not saying they have to carry it out but they should be paying for it.

Q208 Jonathan Shaw: I would like to ask Mary Marsh if I may what lessons the NSPCC have drawn from the Climbié inquiry. There are two sections to your organisation. You are a campaigning organisation; you alert parents to the dangers that children encounter, but also you are a service provider; you have contacts with the local authorities.

Ms Marsh: Clearly, like all social care organisations we have been through the whole of the recommendations framework of the inquiry and done a rigorous audit across everything that we do. It has been an absolutely right and proper and robust way of being absolutely sure about the safeguarding of our own practice yet again. It is something we have done previously. For us the particular and direct area of challenge was around the way in which records were kept and managed

and secured. That has been something that we have paid particular attention to but that has been the case for many other people in social care because it is clearly very evident that not only having the relevant information available in the way but also the oversight and the management and the supervision of the way in which cases are handled is absolutely crucial and was at the heart of what went wrong repeatedly in this particular tragic case.

Q209 Jonathan Shaw: I think it was the summer before last when you had a campaign about “stranger danger”. Is that correct?

Ms Marsh: I think it is a while since we have done one which has been entirely about that.

Q210 Jonathan Shaw: It was about three years ago. There have been people who have questioned that type of campaign. Looking at child protection overall, Peter was talking about some research base being clear about what dangers there are for children within our society. Obviously, an organisation such as yours is a very powerful organisation. Parents listen to you. Do you base those sorts of campaigns on research on the number of children getting abducted? I do not think it has changed really, has it?

Ms Marsh: We certainly do use research. We conducted the only prevalence study that there is in 1999 to look at the levels of abuse and the only way we were able to get at that was to do one with 18-24 year olds looking back on their childhood. It was a very large study. That prevalence of child maltreatment and abuse has been incredibly important to us and many other people in understanding, at least to some extent, what the reality is of the nature of abuse and where the abuse is happening, albeit that that is probably missing a lot of the early childhood abuse where we know also that there is a lot going on. If you look at the overall area of our campaigning the bulk of the emphasis is on the abuse of children at home. That is what our concern about physical punishment relates to. Child deaths at home have been something we have campaigned about for some considerable time and we repeatedly and endlessly will say that the children are far more at risk of abuse—and it is a minority of children, of course, but a significant minority—at home than anywhere else. That is what the statistics make very clear, that that is predominantly where it happens. Whether it is physical abuse, emotional maltreatment or sexual abuse, usually it is somebody known to a child. A lot of our advice to people about the issue of strangers has been to help parents get that sort of thing into proportion because it is giving advice about the sorts of things you need to do to reassure yourselves. Parents get very over-anxious when these things become high profile and it is helping people understand the sorts of things to look out for without people becoming so paranoid that they do not allow their children to do anything. It is managing the potential for risk appropriately.

Q211 Chairman: To conclude on that particular answer, we are conducting an inquiry into out of school education. We have been given similar

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evidence that a much more dangerous place for a child to be is at home in the family rather than on a school trip or something out of school organised by the school. You would concur with that, would you?

Ms Marsh: I am strongly in support of such activity but I understand the difficulty for people organising it nowadays, not least the whole problem about arranging appropriate insurance for a whole range of risks, not just from potential issues of abuse. We are in a situation where people's understanding about the reality of risk in this area is distorted from the truth, as it is in some other areas, and that is why I think it is very important to encourage people to understand how you can take all reasonable steps to make activity safe. That is exactly what the consultancy service at NSPCC sets out to do. It helps organisations audit their practice, put the proper processes in place, understand how you recruit people safely and monitor them when they are working for you, things to look out for and all that sort of thing. That then gives parents more confidence that those safeguards are in place. The fundamental issue is that you can never make life totally risk-free. Sometimes we mislead people by suggesting that that is what we are all trying to do. One of the things which I think is very good for children and young people is outdoor experience. The other thing we do is educate children and young people to manage their own risk and be exposed to situations which are potentially risky but understand how you handle risk in such circumstances. Otherwise, as young adults we are going to have a lot of people who are not capable of looking after themselves or anyone they are responsible for.

Q212 Chairman: Can I push Peter on this first bit? Here we have the Victoria Climbié tragedy, then the inquiry, then the recommendations. Do you think that everything that has been created is going to prevent future Victoria Climbié tragedies happening in our society?

Mr Newell: No, I do not think it will. There is a sense, obviously, in which nothing will prevent occasional awful things happening in any society, but I think there are a number of deficiencies in the legislation. To me the first thing we need to change is the way children are regarded and thought about in our society. There one of the most symbolic issues is the physical punishment one. Giving children a powerful, independent commissioner is about redressing the lack of power, political and other power, that children have in our society. I think government has made some quite substantial moves towards listening to children more and taking them more seriously but the actual machinery of government has moved a bit backwards. In 2000 there was a great fanfare when they announced a Minister for Children and Young People, the Children and Young People's Unit, a Cabinet Committee on Children's Services. The Children and Young People's Unit was going to develop an overarching strategy for children which would be rooted in the framework of the Convention on the Rights of the Child. Then a year or two ago the

Children and Young People's Unit disappeared, the promise of an overarching strategy also disappeared and was replaced in a way by the Green Paper and what has followed. We do have a Minister for Children but she is also the Minister for Families and children have been subsumed into families. In terms of trying to get this specific focus on children in government it is a move backwards. I think to have a Directorate of Children and Families is again blurring the focus on children. Of course, families are of total importance to children and cannot be separated from children, but if you are looking at how to protect children effectively, how to listen to them, how to take them seriously, you do have to have this specific focus and putting them into families means almost everyone in society, so that worries me. Also, but I know less about it, frankly, I am not sure that we have established clear accountability for when things do go wrong in local authorities, which again seems to me to be of vital importance in child safety.

Q213 Chairman: Reading between the lines of that reply, are you saying that what we had, the status quo of two years ago, plus a very robust Children's Commissioner, would have been the right sort of balance?

Mr Newell: I think we need a Cabinet Minister for children. I think we need to have a children and young people's unit which could be still within one of the big departments but would have the power and authority to bring together different departments to try and solve the difficult issues which cannot possibly be solved by one department. It is like juvenile justice, which remains firmly in the Home Office where in many ways it seems to be getting worse rather than better. You cannot solve that just in the Home Office and so you need some way of forcing departments to come together and get inter-sectoral solutions to these difficult issues.

Q214 Chairman: Mary, do you agree with most of that?

Ms Marsh: Yes. The lack of strong focus at the right level right across government is something which is not necessarily going to come through this. The mantra "Every Child Matters" has the potential to become a government-wide strategy and I am sure Ministers would argue very strongly that that is what they are trying to do, but it is still very much in pieces in the way in which the youth justice response at the time of the whole original Green Paper was kept entirely separate and had a different tone and pitch to it. That has continued. I am very pleased to see that the *National Service Framework for Children*, published through the Department of Health, obviously, has very much had "Every Child Matters" as a by-line on the way in which that comes through. I would not say that there is no intent to have a strategy for children but I do not think it is clear or explicit enough yet. With regard to whether this prevents another tragedy like Victoria Climbié—and, sadly, I have to say we can never give that absolute guarantee—what we can all do, and this is everybody with any responsibility of working

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with and for children, is everything that is within our reasonable power to protect children better, and quite clearly that is what we have not been doing. It makes some of the instances that arose in that particular case far less likely but it never deems it impossible. Of course, there are children who will suffer in that way at the hands of the people who look after them who may well not be known to any of the statutory agencies at all. They ought to be known in school, which is why the support we give to teachers and other adults working in schools in terms of their capacity to identify the potential in the early intervention area is really important and we should not underestimate the investment we need to support them properly in order to be able to do that because it is not what they have been accustomed to doing. I am not saying they would be the ones who would follow it through but they would need to know how to follow it through and get the right support if they did make that early intervention. As I was saying earlier, there are a lot of the elements there with the potential to come together and make a real difference, but it is what actually happens in terms of how they become operational on the ground. While there is a wish to allow a lot of local flexibility in the way in which some of these policies are implemented, I just have a caution about the flexibility being such that we end up with there not being sufficient consistency in these really core critical areas around child protection.

Q215 Chairman: What about sharing of information? We all thought, did we not, that sharing of information was absolutely critical to the investigation in the report that Lord Laming produced? Yet, as we have taken evidence, it seems that there are certain key players in children's services who are still unwilling to share information or are only willing to share it on a very restricted basis. Surely that is going right against the grain both of the legislation's intent and whole notion of the full protection of children?

Ms Marsh: I agree with you that the sharing of information is absolutely crucial in order to make the system integrate. It is the way in which that information is shared which is critical. The NSPCC has never supported a complex information-sharing system that is technologically driven because I do not think that will work. I think that the difficulties of appropriate information being shared among the right people in such a system would such that it would be a completely wrong distortion of resources to even begin to create such a system. Our view has always been that what you need to have is a way of identifying children, where they are, who is responsible for them and who the key professionals are who are involved with them, so that if anyone else gets involved with the child they can easily establish who they are, and then they can have an opportunity to share information in the usual, proper, professional way but much more effectively than was sometimes done in the past. I know there are big concerns around some of the tight confidentiality boundaries in health, which continue to be of concern to us too, and the lack of a duty to

co-operate with GPs in the legislation was another dimension of our concern on that matter. We have done an awful lot of investment in these trailblazing authorities at the moment. Some of them are not yet working as they should and those are only within authorities. In the Victoria Climbié case the problem was the sharing of information between authorities and that to me is the most crucial bit, that we get to work so that the information hubs can pass information between each other as children move. That whole issue of mobility is at the heart of this.

Q216 Valerie Davey: I would like to return to the role and responsibilities of the Children's Commissioner for England which you both raised in your initial comments. Which responsibilities do you think you would want to add to or subtract from those now given to the English Commissioner?

Mr Newell: In terms of the general function I think the England Commissioner should have the same general function as the other three UK Commissioners and pretty well all of those across Europe: to promote and safeguard the rights and interests of children. What the Act says is that the commissioner "will promote awareness of the views and interests of children", which is a perfectly respectable role but it is not a very strong one. It is a duty of government under the UN Convention to promote awareness of the rights of children amongst adults and children. It is one of the obligations the UK took on when it ratified the convention, and it is quite right in my view that commissioners should review how governments are fulfilling that task, but I do not see it as the central role for the commissioner. With regard to the complete bar on the commissioner investigating individual cases, there is a peculiarity here because the commissioner is now allowed to initiate or hold an inquiry into an individual child but is not allowed under section 2 which sets out the general function to look at the case of an individual child. That again seems to me to be an unreasonable restriction because clearly what comes to the commissioner's office is going to be a lot of experience from individual children. None of us wants the commissioner to get bogged down completely in dealing with individual cases but we do think that the commissioner should be able within his or her discretion to look at the case of a child and think about whether that is something on which they should base a report or a comment to a Minister or whatever. Again, it shows a basic misconception: with this sort of independent watchdog government should not be directing their activities at all. Government should give them a general function and let them get on with it and that is what "independent watchdog" means.

Q217 Valerie Davey: In the recommendations which the NSPCC make, the four key areas, it did not include the investigation of individual cases. Would you like to comment on that aspect of it? Should that be a responsibility for the English Commissioner or not?

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Ms Marsh: I think there is a really serious issue in comparing the different commissioners because of the scale and responsibility of the English Commissioner and the number of children for whom the English Commissioner is responsible compared to Wales, Scotland and Northern Ireland. I think the most important thing throughout the legislation, and the NSPCC's position was in this direction, was that the commissioner should be there to ensure that other people are dealing with complaints appropriately and properly. As Peter has just said, none of us wants the commissioner to be overwhelmed by spending lots of time and resource on individual complaints. If you set up the English Commissioner to have a full expectation that they were going to investigate lots and lots of individual complaints you would have regional offices immediately and that is not necessary, but the principle of them being able to go into an individual case so that they can establish whether an individual case has some matters that require inquiry, which then means that this individual case has wider application, is important. It does seem rather odd that there is a hole between finding out about the individual case and being able to get to it. What really matters is that the commissioner is there to drive change in the whole system. Everybody has got to take children seriously; everybody has to have an approach where they can follow through where things are wrong for children. If you fully have a strategy for children, the impact of what government is doing in all sorts of areas, where people stop and think what the impact is of making this legislative change on children, could be very powerful. You have environmental impact statements. A pause for thought with any legislation, "What is the impact of this legislation on children?", could be relevant. We made the point about the involvement of the commissioner in scrutinising what happens in these areas about child protection, and I said earlier that we are concerned about how robust and consistent they are going to be, but we have a particular concern about safeguarding in the secure estate and the degree to which the approach and policies and procedures and scrutiny can happen there as robustly as should be the case.

Q218 Valerie Davey: Thank you very much. We will thank the Commissioners for Wales, Northern Ireland and Scotland in a moment personally for their contributions already in written form. For the record, you indicate that it is a matter of degree, and certainly the figures we have been given are that for the under-18s in Wales we are talking in round terms about 660,000; in Northern Ireland we are talking about 500,000; in Scotland we are talking about 1.2 million, and in England we are talking about 10.5 million.

Ms Marsh: Exactly.

Q219 Valerie Davey: The disparity in numbers is enormous and that does have to be, as you readily acknowledged, put into context for what we are asking. The other aspect of it though that you have brought out very clearly is the independence from

government and it is that area I would like to explore. We went to Norway and we investigated there how a commissioner has been in post for longer and is independent and yet our fellow MPs were saying that that has caused some difficulty because the argument goes on then between government and commissioner. MPs who have cases brought to them are not quite sure which way they ought to take that case and perhaps we ought to have looked at Norway's experience, as some of our Ministers I think have, and reflected on 20 years of work in Norway. I do not see why you should take our responsibilities too seriously, but how has it worked in terms of that independence and what does it do for children as opposed to being for organisations and academics a better principled position?

Mr Newell: Norway is one of only two countries where the office has been evaluated. The development of these sort of institutions has now been going on for long enough to need more evaluation in different countries. The evaluation in Norway happened after the second commissioner and was wholly positive in that members of the Government, the public and children all felt that this had become an extremely valuable part of the scenery and had achieved specific outcomes (to use the favourite word) for children over the period since 1981 when it was set up. The evaluation also recommended that the office's law should be changed to connect it directly with the Convention, which then happened, which was useful. The only problem perhaps in Norway has been the conflict between handling individual cases and promoting the overall issues that affect groups of children. Certainly the children's ombudsman there has felt at times a bit overwhelmed by the numbers of individual queries and inquiries coming from children. That was why the evaluation recommended that the office should focus on being a voice for all children on bigger issues rather than on individual cases and that has happened more and more.

Q220 Valerie Davey: But you are talking about a country the total population of which is smaller than the number of children we are talking about our English Commissioner being responsible for.

Mr Newell: Yes, but if we are not talking about a commissioner, which I am certainly not, who should deal with individual cases, then I do not think the problems of scale are so big. I feel that the commissioner should not get involved in individual cases but should from the beginning look at what means children have to have their concerns taken up, whether they are at home, in schools, in juvenile justice institutions and so on. That is an absolutely vital role and clearly there is an awful lot that needs doing, but none of us is suggesting that the commissioner should take on those cases.

Q221 Valerie Davey: If I can come back to Mary Marsh, the listening to children aspect in the English Commissioner's role I feel is possibly stronger than in others and however effective the United Nations

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rights and the European rights of the child are, they are a piece of paper as opposed to what our Commissioner for England is being asked to do, which is to continue to listen to children. Is there not something there which is perhaps more valuable in really still listening to children?

Ms Marsh: There is absolutely no doubt at all that we are entirely supportive of the emphasis on listening to children and their voice being heard and being sure that people are hearing their concerns and are indeed acting on them. However, there is a context in which that listening happens to be where there is a robust and clear understanding of their rights being promoted and safeguarded. It is exactly what we are doing everywhere else in relation to human rights legislation and indeed the Equalities and Human Rights Commission. It seems entirely inconsistent with that whole wider agenda that the rights are not here for the commissioner. If you look at the Commission for Social Care Inspection (NSSI as it was previously), the Children's Rights Director there has been very clear in his role. Roger Morgan has listened to children with great care and with huge benefit to the way in which the inspectorate has developed its work. We have all learned a lot from what the young people have been telling him and how he has articulated their views and disseminated

them and challenged people. The framework that he has used, and indeed in the Commission for Social Care Inspection it is built right into their work, is the importance of using the UN Convention on the Rights of the Child to underpin it. I think you should listen to children but you should make sure that you are listening to them within that framework of the UN convention.

Q222 Chairman: Many of my constituents, while stoutly defending the UN and European rights of children, would also like some sort of charter of responsibilities of children in certain circumstances. Any hope of that coming on the scene?

Ms Marsh: All rights come with responsibilities for all of us.

Q223 Chairman: Jolly good. Can I thank you very much for coming before the Committee? As I say, every time we have people giving their expertise and time, if on your way home or when you get home you think of something that the Committee did not ask you that is germane to their inquiry, will you e-mail or write to us?

Ms Marsh: Absolutely. We would be happy to do that.

Chairman: Thank you very much for your time.

Supplementary memorandum submitted by the NSPCC

This memorandum provides supplementary information to accompany the oral evidence given to the Education and Skills Select Committee by director and chief executive of the NSPCC, Ms Marsh, on 10 January 2005.

The paragraphs below are arranged to correspond with the question number of the session transcript and the broad area and/or specific quote to which the supplementary information relates.

Q. 199

Inspection framework

Ms Marsh: "we are concerned about the proposed inspectorate framework of the Education Bill, about which we know a little more now than we did when you received the written submission from the NSPCC".

The NSPCC, in partnership with a number of other organisations sought to extend the duty to co-operate in the Children Act 2004 to schools. The collective view of these organisations was that the duty to co-operate should not only exist between strategic bodies but also between operational or delivery agencies, including schools. In response to the amendments put down during the parliamentary passage of the Children Act 2004, the Government stated that one of the "levers of influence" to ensure co-operation takes place would be inspection.

Whilst the NSPCC welcomes the provisions in the Education Bill to inspect the contribution made by schools to the well-being of its pupils, there are no explicit provisions for inspection to ensure that co-operation with other strategic and operational agencies takes place in schools. Therefore, it is unclear how the lever of inspection is to apply as the Government stated it would during the passage of the Children Act 2004. Without a legal expectation on schools in either the Children Act 2004 or the Education Bill, the NSPCC is concerned that it will be difficult to ensure the co-operation of those (few) schools unwilling to play a part in the wider children's agenda. Whilst the current consultation on the duty to co-operate lists schools under the partners "expected" to co-operate, we do not believe exhortation alone will be sufficient.

Q. 206

Universal v targeted services

The NSPCC strongly supports the move towards preventative services, with early identification and early intervention through universal services. However, the majority of child protection services currently provided are targeted not universal and are reactive not preventative. The transition to preventative services

will require a great deal of additional resource and investment from the outset. The NSPCC is concerned that without this initial investment, scarce resources which might otherwise be used to support the most vulnerable children and their families will be transferred from targeted services to provide for the transition to universal services.

Q. 207

Baseline research

The NSPCC strongly supports Mr Newell's assertion that without detailed baseline research about the prevalence and incidence of abuse, it is not possible to measure the success of child protection systems. A large amount of child abuse goes unreported, therefore conviction rates and reporting rates will never be able to give a true measure of success in dealing with the problem. The NSPCC funded an authoritative prevalence study, which reported in 2000. This needs to be followed up. In addition, the Government should be piloting the collection of baseline incidence data.

Q. 215

School Workforce and Early Intervention

It is clear that schools will need to play a central role in early identification if preventative services and early intervention are to be achieved. This is not a role that teachers and other members of the school workforce have historically been accustomed to doing although it is increasingly being asked of them. As a result of section 175 of the Education Act 2002, schools are now under a duty to safeguard and promote the welfare of their pupils. This is an important new role for schools and it should not be underestimated the investment that is required to support schools properly.

NSPCC research demonstrates the anxiety among the school workforce about child protection issues: 88% of designated teachers for child protection were concerned that not all teachers would be able to recognise the signs of abuse of children in their care and act on them; one third of all respondents were extremely concerned that abuse could go unnoticed because of colleagues' inexperience and lack of training (Child protection and education, Mary Baginsky, NSPCC, 2001). The same research also found that most initial teacher training courses offered child protection training for between only one and three hours in total, on both one year post graduate (PGCE) courses, and on three and four year degree courses.

It is for these reasons that, as part of the Education Bill currently going through Parliament, the NSPCC would like to see the objectives of the Training and Development Agency amended to include a general function to ensure that the school workforce is well-fitted and trained to safeguard and promote the welfare of children. We see this as a natural extension of, and prerequisite to support, the duty on schools under section 175 of the Education Act 2002. The Government has so far proved reluctant to accept the need to amend the Education Bill.

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Memorandum submitted by the Commissioner for Children for Wales, the Commissioner for Children and Young People for Scotland and the Commissioner for Children and Young People for Northern Ireland

1. As the three existing Commissioners for Children (and Young People) in the United Kingdom, we thought it might be helpful for the Committee to have a short paper setting out in tabular form the comparative powers which we three Commissioners enjoy, and those which we understand the English Commissioner for Children will have as a result of the Children Act. We have attempted to ensure that the attached table is as accurate as possible, and while we can vouch for the interpretation of our own legislation, we would not claim a similar level of detailed understanding of the Children Act.

2. It will be apparent from even a casual perusal of the attached table that while there are significant similarities in role among the four Commissioners, there are also very significant differences. In particular, the focus of the English Commissioner is on listening to children's views whereas the other Commissioners are focused on promoting the rights (and welfare/best interests) of children. The English Commissioner has been given specific outcomes to focus on whereas the other Commissioners do not have such a requirement. There are also differences in the scope of functions (eg in Wales and Northern Ireland individual complaints can be considered, but not in Scotland or England). The Northern Ireland Commissioner has the most extensive remit and powers.

3. We have not dealt in the table with the role of the English Commissioner in Wales, Scotland and Northern Ireland, as the format does not really lend itself to this description. Sections 5, 6 and 7 respectively of the Children Act do give the English Commissioner the responsibility to promote the views of children in Wales, Scotland and Northern Ireland on issues which fall outside the remit of the local Commissioners. The English Commissioner is required to discuss with the local Commissioners any work they do on this.

The English Commissioner also has the right to conduct an investigation (on the same basis as investigations in England) if a matter affecting a child concerns the exercise of powers which remain at Westminster and have not been devolved. There is no requirement to consult with the local Commissioners on such inquiries.

4. During the passage of the Children Bill we jointly and individually expressed a number of misgivings about the proposals for the English Commissioner within the Bill. Our concerns are well documented and include the lack of an emphasis on children's rights, the degree of independence of the Commissioner, and the role the Commissioner will have in Wales, Scotland and Northern Ireland.

5. However, now that the legislation has been passed by Parliament we are very concerned to make it work for the good of all of the children and young people living in the United Kingdom. We look forward to working with whoever is appointed to the post of English Commissioner for Children, and to drawing up with them a Memorandum (or possibly Memoranda) of Understanding to promote effective working between us all.

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Witnesses: **Mr Nigel Williams**, Commissioner for Children and Young People for Northern Ireland, **Mr Peter Clarke**, Children's Commissioner for Wales and **Professor Kathleen Marshall**, Commissioner for Children and Young People for Scotland, examined.

Q224 Chairman: Good afternoon ladies and gentlemen. We mainly cover, but not entirely, English education. We always feel particularly privileged in this Committee when we have the opportunity and privilege to hear from the experience of the devolved partners of the United Kingdom. Certainly, we found a great stimulation of interest when we looked at student finance, for example, that was great fun. I do not think we have had anyone from the devolved assemblies or the regions, so welcome indeed. There are certain drivers of the timetable tonight but we have a reasonable amount of time. Can I ask if any of you would like to have a few minutes of introduction to say how long your experience has lasted and what you have learned, just to give us a setting?

Mr Clarke: My name is Peter Clark and I am from Wales. I have been in post almost four years now, so I am the longest serving—which probably shows from the lines around my eyes—Children's Commissioner in the United Kingdom. Also, for my sins, I am the President of ENOC, the European Network of Ombudsperson for Children, which was mentioned earlier. Focusing on the proposal for the English Commissioner, which I think is your main interest, I would just reinforce everything that Peter Newell and Mary Marsh said over the concerns, which we have expressed also, about the degree of independence and, as we see it, the lack of emphasis on children's rights in what is being proposed and therefore, in a way, the difference between that and what would be deemed a conventional model of a Commissioner for Children. I have particular concerns, which I will outline very briefly, to do with the way in which devolution issues or non-devolved matters have been dealt with. I have a general power under the Acts which set up my post to deal with any matter affecting any child in Wales. This really gives me a device by which I might raise matters, which children have raised with me, for the attention of central government where issues are not devolved in the National Assembly for Wales. The way in which the model of the English Commission has been set up has given that person, also, the powers within Wales over non-devolved matters. To me that appears to be a recipe for confusion and particularly

confusion in the minds of children. I think one of the most important ways in which we utilise our independence is, hopefully over time, to get children to understand that there is one person who is there meant to be championing their rights and looking out for their welfare and interests and now there are going to be two within Wales with very different powers and very different remits. Obviously, I will work with the post holder to try and minimise the confusion and disruption that might cause, but it is an objective problem and one which I have concerns about.

Q225 Chairman: Mr Newell, thank you very much for that.

Mr Williams: I have been in post since 1 October 2003, that is a little over a year now. I was responsible for co-ordinating the short memorandum which we sent to you. I think the message I would like to put to the Committee, just to begin with, is that we have all expressed significant concerns about the powers and independence of the English Commissioner and concerns about how it is going to work out in each of our countries, our regions of the UK, in relation to the practical relationships with the English Commissioner. I find it particularly contradictory and ironic that, in relation to seeking children's views, the English Commissioner has to consult with us if they are looking at an issue in relation to our own regions, but in relation to the power to hold an inquiry, the English Commissioner can hold an inquiry without coming near our offices in terms of the legislative responsibility. I think they would be very foolish to do that and I hope that they will not, but the statute is what the statute is and it has put some duty to consult in one area and not in another. Having said that, I think all of us feel that children are more important, at the end of the day, than simply our concerns, we want to try and make this work as best as we possibly can and to co-operate with the English Commissioner, but the Government has not made it very easy for us in terms of the way it has been set up. The final point I would like to make in opening is the question was raised earlier about, was it not a good thing that there was such an emphasis

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on seeking the views of children within the English Commissioner's office, I take that as read within my own responsibilities. Indeed, it is expressly stated within my legislation, but I simply could not do my job properly unless every day of the week, in some way, I was seeking to be in touch with children's views. I think, in a sense, the emphasis has come out the wrong way in the legislation, you cannot do the job of being a Commissioner without listening to children, it is an absolute priority. But, in my view, that sits underneath the responsibility of safeguarding and promoting children's rights and best interests, which I seek to do by listening to their views, one is a means to an end.

Q226 Chairman: Thank you for that, Mr Williams. Of course you are in out pay week at the moment, are you not?

Mr Williams: Yes, technically, indeed, I am responsible to the Secretary of State for Northern Ireland, who, of course, is a member of the Cabinet here.

Q227 Chairman: Recently, we had a very useful and interesting visit to Northern Ireland where we were very well received. Professor Marshall, it is your turn.

Professor Marshall: Obviously, I have had the least time in the post. I have been in post for eight and a half months now, so there is a certain extent to which I am still gearing up, although I have been involved in a number of issues. First of all, I would like to say that I agree with a lot of what has been said both, by Mary Marsh, Peter Newell and my fellow Commissioners here. I think there is potential for confusion in having two Commissioners operating in each country. To me it does seem strange that, in a sense, it contradicts one of the aims of *Every Child Matters* which was to have one person in charge. We have created a system where, as far as the Commissioners are concerned, we have two people and we are going to have to be very careful about how that is publicised and how the message gets over to children and young people in our respective countries. Also, there is confusion, I think, which we will have to work through about things like terminology. We have got different remits about things like inquiries, investigations, what is an investigation in one area might be an inquiry in another, et cetera, what do we mean by reviews and, I think, when we are working with the English Commissioner, we will have to be very careful to try and map out what is going to be quite a complicated mosaic of different terminologies and different remits and work out how we work together on that. Also, for example, the fact that the children and young people covered under the remits are different; mine, for example, covers anyone in Scotland up to the age of 18 or up to 21 if, at any time, they have been in care or looked after. The English one is anyone up to 18 or anyone up to 21 who has been in care or looked after since attaining the age of 16 and anyone who has a learning disability. Again, there are slight differences in the different parts of the UK which we will have to be concerned about. In terms

of taking account of young people's views, my legislation also has a very strong emphasis on that. In fact, in my annual report, I must submit to the Scottish Parliament a strategy for involving children and young people in my work and consulting them. I cannot get away with waffly words about that, I have got to put down in black and white what I am going to do to consult them and to involve them in my work. Also, I think there is another important issue about my role and vis-à-vis the English Commissioner in that my legislation does not embrace dealing with individual cases either. On the other hand, there is nothing that bans me from this "investigation" but I am not quite sure what exactly that is going to mean for the English Commissioner because I am quite clear, for example, that inquiries for individual cases will come my way. I am already recruiting for someone who is going to deal with them and try to make sure that they get dealt with appropriately by appropriate agencies, map out gaps and inform me on policy, so there are a number of issues. As you see we already have different interfaces, but I should say that, certainly with the greatest goodwill, we will be working with whoever is appointed in England.

Q228 Chairman: Can I ask you, Mr Clarke, because you have been there the longest, so you are more of a target, how much added value you have given as a Children's Commissioner in Wales? What do you think you have added which was not there before?

Mr Clarke: I will give you my impressions and then answer the question directly in a moment, but just to say that I am setting up a research project to find out the answer to that question also. They will be independent of me, although we will be paying for it, they will be going and asking children on a random sampling basis what they think of the Children's Commissioner and also, they will be interviewing key decision-makers and key agencies within Wales. I think what my post has been able to do in the four years that I have been in the post has been to act as a focus and a catalyst with a much higher emphasis on children's rights and listening to children's views and voices. I have been pleased to see the National Assembly now adopt the UN Convention on the Rights of the Child and, therefore, every document that comes out of the Assembly has reference to it. This may just seem like words but I think it is beginning to change, quite genuinely, the orientation of a lot of the policy which is coming out of the Assembly. I think I have had some degree of success in terms of being part of a general shift in public mood towards children in Wales as well. These things are hard to measure. One problem we all have in these posts is who is to say what is down to us and who is to say what is down to anyone else. The Clwyd Inquiry—which in my Act is called an examination, the right to hold an inquiry and I learnt very early on that this meant I was subject to the full Public Inquiry Acts and the rest of it, so it was where I used the strongest powers—was where we investigated allegations against a teacher who had committed suicide a few days before he was due to appear in court on very serious charges of child sex

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abuse. We held a full public inquiry, we called witnesses who had to give evidence or oath and we came out with a whole series of recommendations. I think there we have genuinely added value to the education world because of the recommendations we made about governorship, about the way in which children's complaints should be investigated and they should be given voice to and a range of other issues. There are some specifics like that but, generally, I think we have started to improve the consensual view in Wales about children. It is very hard to establish facts from that.

Q229 Chairman: In terms of an inquiry like that, where you come up with recommendations, would these recommendations be directed at, for example, the health authorities in Wales for action, perhaps, for new legislation in the Welsh Assembly and would some of your recommendations come here to the UK Parliament?

Mr Clarke: Precisely so. In the case of that inquiry probably the majority of recommendations were aimed at local authority educational departments and, also, schools—and under local management of schools, as you will know, that is not the same thing—aimed at governors and also, aimed at the media—in a particular case of a drama teacher -. I do not have a power but we still made recommendations to them about the way in which young actors are safeguarded when they are acting a drama of any sort. There were one or two recommendations which would require primary legislation and, therefore, hopefully, would come to this place eventually. The recommendations are made to those bodies. I do not have the power, except in the case of the media, to require them to reply within a three month period to what they are going to do about that. Then, the ultimate power is to name and shame, in that if they do not comply with the recommendations I can go to any media of my choosing and articulate my views about what I think about the fact that they have not complied and there is a degree of immunity to slander and liable built into that. That is how reviews actually work out. As I say, they are called an examination, they are called an inquiry in the English Act and so on. As I have got the floor, if I might just briefly say the one thing that concerns me about the Secretary of State being able to instruct the English Commissioner to hold such an inquiry is I have a clear understanding now of how much time and resource it takes to conduct such a thing. Given the concerns already that we have about the size of the budget and, therefore, the staffing that will be available to this person and taking on board the fact that there are 10.5 or 11 million children in England, I am very concerned that such an instruction would seriously silt up or make it unlikely that the Children's Commissioner for England would be able to do very much else, unless, of course, they go and ask what was the Lord Chancellor to lend them a judge to do the hearings, but then I do not understand why the Children's Commissioner need be involved at all as the Government could do that on its own volition in

any case or it could—as it did with Climbié—appoint somebody to do it. I have a number of concerns around that.

Q230 Chairman: What about the people who look at your caseload and individual cases you take up and say: "How on earth does this man ever get the chance to be really strategic?". Is that not a criticism and where do you get time?

Mr Clarke: It is a criticism that has been voiced and, I must say it is devoid of any basis in fact. I think we have to be clear here what we are talking about when we say, dealing with individual cases. If a child rings up my office, my staff are going to answer, we are then dealing with a child and whatever it is they want to share with us. The law is very similar to what is being proposed in England, surprisingly, in that we will refer on to the other systems which are locally available for the child to get redress for whatever their complaint is. But having noted the fact that they have come to us, we are then in a good position to evaluate how well those systems are doing. We do not carry a large present caseload, we are not an ombudsman in the sense of having to come to a resolution of cases, but we are someone who when children come in touch with us we will refer them on to the right people. We ask them to keep in touch with us and in that way we have been able, for instance, to come to the conclusion that the system of special educational needs tribunals and a lot of those services that should be in place are not there. It is absolutely gold dust for me to be able to get that information from children experiencing these things in their everyday lives. I think we could get distracted by this individual cases thing if we are not clear what we are talking about. Unlike Norway, I do not have an ombudsman function in the sense that I have to investigate, it is not a responsibility to investigate, it is a power that I can do it.

Mr Williams: Chairman, if I could take up that point of individual cases because probably I have the most extensive powers in relation to individual cases and yet, also, very, very wide powers in relation to general issues affecting children. I would accept fully that it would not be reasonable for the kind of powers that I have to be imposed on the English Commissioner in relation to individual cases for the figures that were quoted earlier, it makes it clear that it would be too onerous. However, I would say that in relation to my own office, I am very clear about the function of individual cases. They are there to allow us to try and assist children and young people to resolve matters which they are concerned about, but then to use those individual cases to inform us about issues which are going on in relation to children's relationship with Government and to seek then to address, in a more general sense, those issues. That was brought home to me, very forcefully, by a couple of experiences we have had with individual cases where, effectively, we were getting the same kind of case coming and we were able to resolve it for the individual child in relation to a particular form of health treatment, but then the case was cropping up again. It was obvious that, in fact, it was a system problem. There was an issue about the allocation of

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resources and the priority being given to a particular type of condition that would only be resolved by addressing that at a higher level within the system and looking at how our health trusts were dealing with it and, indeed, the policy of the Department of Health. The case triggered an action on our part to try and help the individual but then it flowed on to an issue of policy which we needed to address. Certainly, I have taken a lot of steps to ensure that my own office—which does have a responsibility to support individual complaints right up to taking legal action, if necessary, on behalf of individual complainants—does not get us as the phrase goes, “bogged down” in individual cases, but rather becomes a springboard. In the way that I have approached this within Northern Ireland, we have put a lot of emphasis on trying to identify—which I know the Minister for Children and Families is so concerned that the English Commissioner should take up—what are the general issues affecting children and we really need to address? The very first thing I did when I was appointed was to instigate a major research study to look at what were the issues in Northern Ireland that really were affecting children and young people where their rights were not being addressed in an appropriate way or were being underplayed or were not being met, using the United Nations Convention as a kind of template to do an audit of how Government currently is behaving in relation to children. That produced a list of 52 issues that, if you like, is the shopping list for me and we are now in the middle of a public consultation to narrow that down, to prioritise the general issues that we need to be dealing with, and our casework is one of the factors that has informed that priority setting exercise.

Chairman: Thank you for those opening remarks. I will hand over to Helen Jones now.

Q231 Helen Jones: I want to look at the issues of rights in a moment, but can I ask you a very practical question first of all. We have got these different pieces of legislation representing different parts of the country and I was born and brought up in Chester and it is quite common for people to live in Wales, go to school in England, use the primary health care services in Wales and use the hospital in England and so on. How is a problem concerning a child in any of those border areas going to be dealt with in practice?

Mr Clarke: If I can respond?

Q232 Helen Jones: It is probably more for Mr Clarke and Professor Marshall than for Mr Williams.

Mr Clarke: I genuinely do not know the answer. Once the person is appointed I will be ringing him up very early and asking for a meeting precisely to discuss some of these things. For instance, tomorrow I am going to Bristol to look at a juvenile justice institution where I understand 70% of the inmates are from Wales. This is a classic example of where this interplay between my role and the English Children’s Commissioner is going to be complex. A lot of those young people at some point will have

been under the auspices of a youth offending team and a youth offending team is part social services, which is devolved to Wales, education perhaps, which is in the main part, and then it will have probation and the police maybe that are not. There are all sorts of geographical and organisational complexities that are going to arise. I tend to have gone along the lines that I will do something until someone tells me I should not, and I am sure the English Commissioner will do likewise, but we will meet early to try to resolve some of those issues. It is not just the example I have given, you are quite right, in Powys people are using health facilities in Hereford, Shrewsbury and the rest of it. We have got a lot of children from England who are being placed by private fostering agencies within Wales and vice versa, so we are going to sort out something, be it a Memorandum of Understanding or whatever, so the children do not miss out. That is the most important thing. It is nothing to do with our empires, it is all to do with the children. Are those children in that Bristol unit aware that they have got a Commissioner? If so, which one do they go to? That is the simple question, the practical question that they will need answered and it is our responsibility to work together to make the answer as simple as possible. I think the Government could have been a lot more helpful.

Q233 Helen Jones: Professor Marshall, do you want to comment?

Professor Marshall: I think exactly what Peter was saying. I have not come across that yet but I am pretty sure that we will because also we have people who are within the childcare system but, for example, placed in England et cetera. I think we will have to co-operate and work out how we are going to deal with these issues and keep it child centred.

Q234 Helen Jones: What will be the position if, for example, one of you investigates a case arising from something brought to you from a child in Wales or Scotland but which leads on to the necessity for recommendations to be made about the way the Health Service operates in England? Do you have the powers to deal with that or will you have to deal with it through the Children’s Commissioner for England?

Professor Marshall: I have no hesitation about commenting on anything to do with children in Scotland and anything that impacts upon their rights basically, which includes their interests, their welfare, et cetera. I do not think you need legal powers to comment on it if you keep it child focused. My job is to promote and safeguard the rights of children in Scotland and if there are issues that come from outwith the boundaries of Scotland that impact on them then I do not think I need legal powers to comment on that. Having said that, I am pretty sure that once the English Commissioner is in place that would be a very obvious place to go initially to start the conversation and work out how we are going to address this issue together. Certainly

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it will make a change in my own practice from that point of view, that certainly I would seek to consult the English Commissioner on any of these issues.

Mr Williams: I have had an interesting issue raised with me by one of the senior commanding officers of the army in Northern Ireland about children who are resident in Northern Ireland alongside their parents who may be involved in one of the regiments serving there as to what about the issues affecting children who are on those army camps in terms of their rights and so on. Clearly there the direct departmental responsibility is through to the Ministry of Defence but the children are actually resident in Northern Ireland. You may feel in a sense that is quite a small number of children but, nonetheless, I think the issues affecting them are very important and for my part that is something I would seek to try and work through with the English Commissioner if there was a general issue that may well be cropping up in army camps in England, Wales, Scotland and, indeed, outside the UK where children are going overseas with their parents. I think we are going to have to work some of these things through co-operatively and seek to do the best deal we possibly can from the basis of the children who first contact us.

Q235 Helen Jones: Thank you very much. Can I go back to the issue that we were discussing before, the statutory requirement which I think all of you have to protect and promote children's rights, on which there was a great deal of debate when this Bill was in the House. Could you give the Committee some idea of how that shapes your work? What difference does having that power make to you? How do you think not having it will affect the English Commissioner's ability to get on with the job?

Mr Clarke: There are people more erudite than I on this matter here, but if I could get my bit out of the way quickly. For me personally, the overarching duty and responsibility I have is to promote and safeguard the rights and the welfare of children. If I did not have the rights bit, if I did not have the UN Convention as the basis of what I do, I think I would be in danger of lapsing into the very strong paternalism that often comes with welfare views of what children are all about. Of course their welfare is important, but I think that very much needs to be balanced by a view of their rights, that children actually do have rights. If we look at the UN Convention, a lot of the way those rights are articulated are phrases like "the child must have a say", they are not these rabid rights which sometimes they are portrayed to be. In essence, that is it for me. It keeps me from falling too easily into the welfare trap. Once one has done that I think one is in danger of sometimes trivialising the child's view and the child's expression of what they want and what they have a right to expect from us. We have a Professor of Child Law here who will be able to speak much more articulately on that.

Professor Marshall: Nigel, do you want to say something?

Mr Williams: I do, but you go first.

Professor Marshall: I find the whole rights basis absolutely crucial because the way I explain it, and I started explaining it to children this way but I now explain it to adults this way because I think it gives it a moral authority, is I say that the UN Convention on the Rights of the Child, for example, is a set of promises that we have made to children, that we will do certain things to make life better for them. I think the fact we are saying we have made promises to them is something that children and young people understand, they understand about keeping promises and about failing to keep promises. Also, I think it is important to underline the fact that I do not make the rights up. The promises have already been made in our ratification of this international convention and my job, as I see it, is to keep the Government and the country to the promises that have already been made. I think that does give it very much a weight and an objective content. Interests can be subjective, people can have different views on the interests of children. In fact, my legislation does not talk about welfare and interests, it talks about promoting and safeguarding the rights because the rights include the interests and include the welfare and I feel it is critical to my role in that moral authority to keep harping on about that thing that is objective, it is already promised and I am there to try and make the promises real.

Mr Williams: One could not put it better than Kathleen has just put it in terms of the promises and I think that is absolutely right.

Q236 Chairman: She is a professor!

Mr Williams: Yes. In terms of the difference it has made to my office, that has been the starting point. That is why I commissioned that piece of research to look at how those promises are working out in practice in Northern Ireland, where have we failed to meet the promises that we made when we signed up to the UN Convention and where are the areas that we are not doing as well as we should be. That has determined what the agenda will be for the office. Then I am going out to listen and see how children and young people feel about those promises, what are the things that concern them most, what do they feel needs to be fixed first and what is the issue that they are most concerned about. It becomes a holistic effort in trying to reach out and work alongside children in order to help them change the world and secure the promises that they want. I feel that the English legislation is a wee bit back ways up, it has got the cart before the horse or is the wrong way round. I am getting my analogies all confused here but you see what I am trying to say. It is talking about listening to the views and then it is tacking on at the end in listening to the views and working out what the interests are that you must have a look at the UN Convention. That seems to be the wrong way round to me.

Q237 Helen Jones: Can I move on to another issue which has also been very controversial and that is about the independence of the English Commissioner. Do you feel that as the Act is set up,

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the English Commissioner will have sufficient independence? Can you give us any examples perhaps where having greater independence under your legislation has brought benefits to the work that you do?

Mr Clarke: On a general level, the independence of my office means that I can say honestly to children and young people, "I am here for you. I am not here for anyone else, I do not have anyone else's agenda. As long as I keep to these broad parameters set down by these two Acts of Parliament that set up my office, I am here for you." I only have one boss in a sense. My accountability comes through the National Audit Office and all the rest of it rather than through a political accountability. I do think that this power to instruct the English Commissioner to undertake investigation potentially is quite a serious inhibition on their independence and a serious limitation on it. I have already talked about the impact it would have on their work programme, but from a child or young person's point of view there are likely, therefore, to be activities that are being planned to listen to children and re-present their views which will be knocked off course because a Minister has said so. To me, that is a serious impediment to real independence.

Mr Williams: I am concerned both about the requirement that the Secretary of State can instruct about undertaking an inquiry and the requirement to consult the Secretary of State if the Commissioner wants to instigate an inquiry at their own behest. I do not have either of those things. Ministers can ask me for advice and I can offer advice, even if it has not been asked for, and that seems to me to be the right way round. We had a case where ASBOs were being introduced in Northern Ireland and it seemed to me that they were being introduced with considerable haste and without thought being given to the views of the children and young people who are likely to be subject to some of those orders. The Ministers were very unhappy that I was unhappy and was being publicly unhappy about it and, indeed, under my powers I did what I was entitled to, which was to take the Minister to court for judicial review. I think having that independence allowed me to do that, even though people did not want me to do it, civil servants would have much preferred that I did not do that, of course, and yet I felt I had the basis of independence and there was no other part of my responsibility over which Ministers had control which they could then use against me because I had done something that they did not like. I believe the independence is crucial and I am concerned about how that will actually work out.

Q238 Helen Jones: Thank you.

Professor Marshall: My legislation actually says that I am not to be subject to the direction or control of (a) any Member of the Scottish Parliament, (b) any Member of the Scottish Executive or (c) any Member of the Scottish Parliament corporate body. It is made quite clear on the face of it that I have to be very independent. I think it is important from my point of view in a sense divorcing me from any implications of party politics. I have to be

completely politically neutral; I am neither the opposition nor am I part of the establishment. I have made it quite clear that I will not hesitate—

Q239 Mr Pollard: The third way?

Professor Marshall: I will not keep away from issues that are politically contentious because I think to do so I have to be involved in anything where the rights of children are concerned, but I will not be getting involved in a political way. As long as I can maintain that non-political objective stance on the promises that we have signed up to then that gives me a certain credibility and a certain strength, that I am not tied into any government, I am not tied into any party politics and I want to be very clear about doing that, that I am being objective about the rights of children.

Mr Williams: If I could just add one further thing. I think the independence actually is a complete independence because also we have to be careful that we are independent of the voluntary sector, even though both Peter and I have a long background in the voluntary sector, and Kathleen too. It is possible that the English Commissioner may come with some background in the voluntary sector or he may not, he may come from the statutory sector. It is important that we are looking at children's interests completely independently and not simply from the agenda of the voluntary sector, although we might agree with much of it.

Helen Jones: Thank you, that is very illuminating.

Q240 Jonathan Shaw: You have raised potential difficulties that you foresee with the appointment of a Commissioner for England in terms of the Devolution Settlement. Are you not whingeing really and complaining about nothing? The fact is we have devolution, it has been embraced, and it does throw up anomalies whether it is with Children's Commissioners, such as yourselves, or in other areas. What you went on to articulate is these are issues we will have to embrace, grapple with, in a mature way as to how we have devolution as it evolves within this country.

Mr Clarke: From my point of view—

Chairman: Mr Clarke, you are whingeing!

Jonathan Shaw: It is a fair thing to level at you.

Q241 Chairman: He often levels it.

Mr Clarke: If I may respond? All I am saying is it could have been done much more simply. The only extent to which I am whingeing is why on earth have they gone for such a really complicated, muddle model when they did not have to. It would have been perfectly simple to say that in each of the countries of the UK the Children's Commissioner has responsibility for this, this and this. That would have been simple for us poor souls who are going to have to struggle with it and, much more importantly, simpler for the children. The only residual element of my whinge is that it is going to be difficult for children still. Sure, I am a grown-up, we all are, we will work out our relationships with the English Commissioner and the rest of it, but what worries me is it is not going to be so easy to give that clear

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message to children that “Here is someone for you”. For instance, I am going to have to say, “Here is someone for you except if it is to do with that part of your life and, by the way, they cannot deal with it as an individual then because....” and on we go. It could have been so much easier. That is the end of my whinge.

Mr Williams: I would accept that we have made our views known on this and if you want to call that whingeing, fair enough. The reason we have done it is precisely as Peter says, it could have been done better. The Devolution Settlement was not followed to the letter in relation to my responsibilities. The Northern Ireland Assembly pleaded with the Secretary of State, and won the case, that I should take responsibility for criminal justice matters, even though those had not been devolved to the Northern Ireland Assembly in the past when it was sitting and has been the responsibility of Westminster Ministers. The Devolution Settlement is not simply a neat and tidy thing that has been set in concrete that cannot be worked around. What we have got to remember is what is children’s experience, how do they experience things. You cannot go along to a child and say, “Show me the devolved bit of your life, show me the reserved bit of your life and show me the excepted bit of your life in terms of constitutional powers”, they would think you were mad. Children are children who have whole lives. What we are doing all the time is trying to get the different authorities to see that so that the education and health bits of children’s lives actually can be seen as one, and that is what *Every Child Matters* in many ways was all about. Again, what we will strive to do as this rolls forward is to ensure that children’s lives are seen as a whole and we will not hesitate to try and work that out with the English Commissioner and force the pace on it.

Professor Marshall: I think whingeing is a very negative word.

Q242 Chairman: It is eliciting some very good answers.

Professor Marshall: We have not travelled here today to whinge, we have accepted an invitation to talk about what difficulties there are. We are very willing to talk about that and to move towards some constructive resolutions of it. I would say that none of us have ever been precious about our own powers or empire building, we all want to do what is best for the children and young people throughout the United Kingdom. We are all very committed to making the best of what we have got and that is what we will be working together to do.

Chairman: Excellent. We are getting a third way commissioner. Jonathan, do you want to carry on with that?

Q243 Jonathan Shaw: Just on this issue about the independence and your concern that the post holder will not be independent but will be at the behest of a politician. In your post in the years to come, if you become unpopular and people do not like the things you are investigating, people think that you are investigating the wrong types of things, children

think you are investigating the wrong types of things, are you going to fire yourself? You say it is political interference but it is also democracy as well, is it not?

Mr Williams: There is accountability built in our legislation. In my case, the accountability comes in a number of ways. My appointment is for a limited term, I simply cannot go on and on. After four years, as the legislation requires, there has to be a review not only of my appointment but of the office as a whole and how it is working and how effective we are being. That is a relatively short period of time and I think the message will get across very clearly to public representatives who will be doing that and through the system as to how we are getting on.

Q244 Jonathan Shaw: Who appoints you, Mr Williams? Sorry to interrupt.

Mr Williams: It would have been the First Minister and the Deputy First Minister.

Q245 Jonathan Shaw: Ah, a politician.

Mr Williams: Their responsibility is for the process and then for the actual instrument of appointment. In effect, it was children and young people who had the major say in that appointment process. I might say one of my concerns is I do not think children and young people are being given enough say in the appointment process for the English Commissioner and I would have liked to have seen more. I would have liked to have seen them being treated as equals in the appointment process, but that is another matter you might want to pursue. Accountability is also through the audit arrangements, the annual report arrangements, and ultimately I would say that if I cannot look the children and young people of Northern Ireland in the eye, particularly those who were involved in my appointment, in three or four years’ time and say “We have secured change”, then I should not continue in the job.

Q246 Jonathan Shaw: The English Commissioner might be able to do the very same as well, might he not?

Mr Williams: For the English Commissioner in terms of aspects of their role, there is direct interference by Ministers.

Q247 Jonathan Shaw: Direct interference?

Mr Williams: Yes.

Q248 Jonathan Shaw: If something comes up, if there is a big issue that comes up and the public are concerned about it, what is wrong with the Secretary of State asking the Commissioner to have a look at that? What is wrong with that?

Mr Williams: I will just say two sentences. I am sorry, I have got into my stride here. It is the Commissioner being asked to undertake a formal inquiry, being directed to do so. There is a difference between that and being asked for advice or invited to consider what would be the appropriate response to an issue.

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Q249 Jonathan Shaw: In the way that Ofsted do now.

Mr Williams: I think that is the difference.

Mr Clarke: After four years you can imagine that we have membership of all sorts of working groups within the Welsh Assembly Government where we have observer status and I meet regularly with the link Minister every three months or so, we have discussions, so there is a lot of work that goes on. What worries us here is that there is the possibility built into the statute of operational interference in what the person is doing and I think that is quite distinct from accountability.

Q250 Jonathan Shaw: Do you think that is the intention?

Mr Clarke: Why else is it there, with respect?

Q251 Jonathan Shaw: No, that is fine.

Mr Clarke: So the answer must be yes. I can imagine it might come out of thinking "Oh, well, what if we have another case like Climbié and we need someone to do an inquiry", but my point would be that the Government already has the powers to appoint someone to do an inquiry of that sort. I think the other difference is often in this discussion I have heard Ministers use the phrase "my Commissioner, our Commissioner", but we are Children's Commissioners.

Q252 Jonathan Shaw: That is being precious, is it not?

Mr Clarke: Not at all, I do not believe so. What it shows is a Government acting with confidence and with a degree of statesmanship because they are saying, "We are setting up this post for a group of people who need a particular champion at a particular time and we realise that because of the other constraints upon us we cannot do that. Therefore, we are setting up these posts in a way that gives them the room to manoeuvre to champion on behalf of this group of young people and children". I think that is part of what are called the Paris Principles for independent human rights institutions generally. That is where I am coming from. I do think it is a serious point and I do not think it can be casually put aside by saying "What is wrong with a Minister?" It is not that they are going to ask, they are going to tell, and I think that is a very different thing. That is my view.

Q253 Jonathan Shaw: It does feel a bit conspiratorial, that the Ministers have dreamt up these particular words to put on to the face of the Bill in order that they might avoid something. That seems to be the collective impression that you are presenting to the Committee.

Mr Williams: I think conspiratorial is not the word that I would use at all about this, Chairman. I simply think it is a matter of fact within the legislation that that is the way it has been constructed. The whole of section two of the legislation does not have that ministerial involvement and that will form a very substantial part of the work programme of the

Commissioner. Certainly I would not be alleging that somehow the Commissioner is going to be under the thumb of the Minister day in and day out.

Jonathan Shaw: That is certainly how you presented it to us when you had a great deal of scope prior to me asking you these questions.

Q254 Helen Jones: I did not get that impression.

Mr Clarke: I think we were asked to focus on the problems we had, or the issues that we had.

Mr Williams: I do not think that is fair.

Q255 Chairman: The Chairman does not think it was very fair but he specialises in sparking you off, to put it in context.

Mr Williams: To respond to that, we have focused, and that was what our paper did, on the specific comparison of powers and the differences between the English Commissioner's role and our roles. We have pointed out in a particular regard in relation to inquiries that there is a ministerial involvement in two sections of the legislation that in none of our roles do we have and, therefore, we believe that does lead to a compromise of the independence. What I was clarifying for you before your intervention was in relation to a whole other area there is not that direct ministerial involvement. I wanted to make sure that you understood that the balance of our comment is to raise a concern in a particular area about independence and a concern that may then flow over in relation to other areas but recognising that in relation to Section 2 two responsibilities the Commissioner on a day-to-day basis will be able to determine their own work programme.

Q256 Chairman: We have got some time constraints. Very quickly, Professor Marshall.

Professor Marshall: Can I just add something to that?

Q257 Jonathan Shaw: Put the boot into me even more!

Professor Marshall: My concern is that power to direct could hijack the agenda because, as Peter says, it takes an awful lot of resources to do this kind of investigation/inquiry/examination. One of the things that I have to do that I want to do is involving and consulting young people about my policy priorities. It may well be that with what resources I have I may want to have an investigation into an issue that young people have raised and get them to identify the questions and get them to ask them. In terms of encouraging citizenship, there have to be ways for young people to get their issues on the agenda. I think there are enough opportunities for politicians to do it and it is very important that what scope there is in these independent offices is to allow us to be true champions for the children and young people.

Chairman: We must move on. Paul, can I ask you to move to the next section.

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Q258 Paul Holmes: How far do the three of you representing children's interests in Wales, Scotland, Wales and Northern Ireland work together, or does that never arise?

Mr Clarke: We are working together. We have been at it four years, two years and one year in appointment, so obviously we are learning as we go along. Personally, I think that the advent of the Children's Commissioner will mean that we will have more regular meetings and may constitute ourselves in some way as well. We have done a lot of phone calls and e-mails to each other and work together in that way a lot, as well as all being members of the European Network, which is a very strongly supportive body. It is not one that has very strong policy directives or anything, it could not do because we are independent, but it is a very supportive agency.

Mr Williams: I think Peter's experience was invaluable in helping me look at how I would set up my own office and how I would approach the whole task. As I get involved in the work programme of research on individual issues once my consultation period is over, one of the questions we will be looking at in each case is what experience can we learn from Scotland, Wales and England. There is quite considerable relevance to that already in a series of areas where there are differences in the way things are worked out on the ground within our individual countries where we can learn from the good practice in other countries. We will constantly be trying to get the best deal for individual children and then get the best that we can pick from each other's brains in terms of what we can do in our own countries.

Professor Marshall: It has been a tremendous help to have two people to ask and e-mail. I do agree that when the English Commissioner comes on board that will provide a certain glue in a sense because there is an overlap with all of us. I think most of our focus, apart from asking for individual advice and guidance from each other on how to do things, getting staff to visit et cetera, has been about this potential overlap with the English Commissioner and that will provide a focus that we will have to work together.

Q259 Chairman: None of you have never been politicians, have you?

Mr Williams: I do have to own up to having been a Liberal Democrat councillor and also a failed parliamentary candidate, of which there are quite a number, although they are gradually getting fewer.

Q260 Chairman: I only ask because you seem to get on so well that you could not possibly have been!

Mr Williams: Having said that, I resigned my membership on taking up this position, just to emphasise the very point that Kathleen made of complete independence.

Q261 Paul Holmes: You have networked informally and learned from each other but you have not had to formally work together although that will change because of the overlapping of the jurisdiction of the

English Commissioner. We have already covered a lot of the issues about the overlap in jurisdiction but I would just like to clarify one or two things. Are you saying that in the areas like criminal justice, social security and refugee issues that affect children, you have taken those on board in your respective parts of the UK but once the English Commissioner is in place you will not be able to do so any more?

Mr Clarke: Having done it for four years, for instance I have taken up cases of individual refugee and asylum seeker children, juvenile justice cases and the rest. The Act, as it stood prior to the recent Children Act, said that I could do that through two routes, I could either go direct to the Wales Office, and hence to the UK Parliament, or through the Assembly, but I tend to go for whatever is the shortest. The advent of the English Commissioner will add another route because none of the actors remove my power to do that. Potentially in that sense, if we get it worked out, it could be a route that could be better. I am not clear and I am not aware whether or not the English Commissioner can actually delegate part of their powers to us under agreement and that is something we will want to explore with them.

Q262 Paul Holmes: The Children's Minister has said all this worry about the overlap in jurisdiction is not that important, you can just sit down and sort it out between yourselves. Is it going to be as easy as that?

Mr Clarke: I genuinely do not know. Certainly, I have stopped commenting publicly since the Act was passed because I thought we are now in phase two where it has happened, all my whingeing is over and it is now time to move on and make it work, and that is still my general orientation, that is what I am intending to do now. We will find out whether we can make it work well and, if not, I think it would be our collective duty to say there are still some residual problems that need sorting out.

Mr Williams: It is absolutely right that we will seek to try to make this work. I am confident that as people with the best interests of children at heart, we will try and find the best solution. I suppose an occasion like today highlights the concerns that we have had about how it may work and, therefore, we go into this with our eyes wide open. There are certain issues that we are concerned about but we will try to find the best possible way around those. Just to respond to your previous question to Peter, the position from me in relation to the kinds of powers that you described is that those authorities are not designated within my legislation so the Home Office is not designated as the authority for immigration and asylum and so on. I cannot get involved in instigating an inquiry, I simply have an advocacy role. There have been cases where I have written on behalf of a child or highlighted an issue that I would like the Home Office to think about dealing with, but I cannot get involved in investigating that in detail.

Professor Marshall: Can I just add that criminal justice is devolved in Scotland so that certainly falls within my remit, which again shows the complexities of what overlaps and what does not. As regards the

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other matters that are reserved to Westminster, I have always been very clear about the fact that it is matters that are reserved, not children. My focus is on children and young people in Scotland and I feel I have a very clear advocacy role safeguarding and promoting their rights and I do not think anything is going to affect that. As the others have said, obviously I would regard the English Commissioner as being a very early port of call on any issues or on matters that are reserved to Westminster.

Mr Williams: The other thing to add is that there are things that affect the children that happen outside the UK for children who have a very strong connection in relation to one particular area of the UK. I have had the case of a child caught up in a custody battle in the United States where it was born in Northern Ireland and one of the parents was from Northern Ireland, where we sought to make some representations in that case even though it is technically outwith our responsibility.

Q263 Paul Holmes: The organisational details and the support structure of the English Commissioner has not been settled yet. Nigel talked about the benefit of learning from Peter's experience and Kathleen said she benefited from looking at both previous examples, what would you recommend from the three different experiences now for the English system as to how it should be organised?

Mr Williams: I would recommend that in relation to the work programme that the Commissioner is going to undertake that they do some exercise near the beginning of their term to try to establish in a broad sense what the agenda is going to be and what the concerns are of children and young people on issues that are not currently being dealt with in a way that meets their concerns. The Commissioner does have to take account of the UN Convention on the Rights of the Child so I would encourage that they use that to inform them overall of the issues. I think it is important to get that overall perspective, because there is a danger, as Commissioners, that we can be blown about a little bit by the issue of the moment because the media inevitably, now that there is a Children Commissioner, if an issue comes up affecting children, will not just go to the individual MP in whose constituency it happened, they will not go just to the Minister for Children and the Government, they will go to the Commissioner and say "what do you think about this?" It would be easy, if you are not careful, for the media to dictate the agenda rather than the children and young people you are trying to assist. That would be my major piece of advice.

Professor Marshall: Given that there is such a great focus on the views of young people in the English legislation, as indeed there is in mine, I have been concerned to map out what is already existing and trying not to re-invent the wheel. Given that, for example, both in English and Scottish legislation as well, I am not sure about the others, it talks about paying particular attention to those who have difficulty being heard, we have decided as a matter of principle that we have got to try and build on what is already there for the mainstream and work from

the outside in trying to get the disaffected groups included. Obviously, there are going to be some more complexities there in terms of just the sheer number of young people in England and Wales, so mapping out what already exists and building on that is going to be very important.

Mr Clarke: I think it is important four years in still to always be aware that you have got to earn the right to be children's champion. It is not something you can ever assume you have earned. I have this post for seven years, I have done four and I have got three left, and I hope I go out still remembering that because I think it really informs every single thing that you do.

Q264 Paul Holmes: I think that leads on to my final question. I was taken with Nigel's example of upsetting the politicians by saying, "We will have a judicial review on the introduction of ASBOs". If the English Commissioner is not supposed to get bogged down in individual cases but is supposed to be taking a strategic advocacy role and listening to children, what do you think is the most important single strategic issue that the Children's Commissioner might perhaps look at and upset Ministers by saying, "You should change your policy on this"?

Mr Clarke: For me, the most radical agenda item is to require the UK Government to involve children much more in decision making and to express their rights as defined in Article 12 of the UN Convention on the Rights of the Child. I think that would immediately bring all sorts of conflicts with school management systems, with all sorts of government policies on everything really.

Mr Williams: In terms of an issue that is outside of my control, I would love the English Commissioner to look at the way children of asylum seekers are currently dealt with. That may not be the issue that affects the most number of children but it is an issue outside my own powers that I would be concerned to see addressed.

Professor Marshall: I have been very involved in the asylum seeker issue as well but I think some of the most fundamental issues just now are about how we support families generally, for example. We heard from Mary Marsh and Peter earlier on about that and about the balance between a universal service and child protection and I agreed a lot with what they said. There is a huge agenda there and sometimes I think people tend to come up with simple solutions that are going to give a quick hit, but we have to be confident enough to take the long-term view and to have a programmed approach to something that is not going to be resolved in a very short period and, unfortunately, accepting some of that but working towards a proper resolution and not looking for very quick evaluations that are going to provide very quick successes to show that you have done something that is good because that is unlikely to happen.

Q265 Chairman: It could be said that some of us might be a little jealous of your role. We are elected politicians and I suppose I have always thought of myself as the children's champion in my

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constituency as well, and I am sure all of us have, that we are pensioners' champions and all sorts of people's champions because we are the elected Members. Do you work well with local Members of Parliament? Sometimes at my Friday night advice service I would be very happy if you would take some of my asylum seeker cases off me. Working in harmony is much better than working against each other.

Mr Clarke: Absolutely, yes. Often I say that my post was launched in Wales on the back of the most durable political consensus that there has been in Wales. Every political party wanted a Children's Commissioner, every professional organisation, every children's charity, and why would I want to spoil that? Therefore, I have sought to work collaboratively and do take referrals from MPs. We see them as allies. From my point of view, if I am there to be a champion for children I am looking for powerful allies for children and often those will be elected Members, be it of the Assembly, the Council or, indeed, the House. Yes, very much so, and I suspect my colleagues feel exactly the same.

Mr Williams: Yes, I could not agree more. In my case, the consensus was even more remarkable across all of the political parties in Northern Ireland in agreement about the need for a Children's Commissioner. It is very important for me to be able to work with and seek to co-operate with the parties as a whole and the individuals representing those parties in the different fora at different levels. That is the way it has worked out. They see the Commissioner as an additional avenue that may be appropriate in a number of circumstances that they have concerns about to help raise those concerns, whether they are general concerns about children as a whole or specific concerns about individual cases. In practice, that has worked very well.

Professor Marshall: There was a consensus in Scotland as well. We had cross-party support and I have not seen that breaking yet and certainly I plan to make sure that consensus remains.

Chairman: I am conscious that Andrew has been extremely patient. I am going to give him the opportunity to ask the last questions.

Q266 Mr Turner: Thank you very much. I must say, I am always most suspicious when there is cross-party support, especially when there is cross-front bench support for something. Could I start by asking about the involvement of children in the appointment of you, Mr Williams, and how that compares with the other Commissioners. Can I say how disappointed I was that there is not more involvement written on to the face of the Act for the Children's Commissioner.

Mr Williams: The candidates who applied for the position in Northern Ireland were subject to quite a lengthy process. A forum of children and young people that was representative of all of Northern Ireland was put together and those young people chose a number from their number to be involved in the recruitment process. They were involved in the short listing and they then sat on two preliminary groups that were part of the interview process that

all candidates had to go through. One of those was a straight interview panel, like many of you will be familiar with, but was entirely made up of children and young people aged between 12 and 18. The second was a role play where the candidates had two or three minutes to prepare to come in and then lead a discussion amongst the young people. A representative of each of those panels, the role play panel and the interview panel, then went on to the final interview panel and they brought their scores and views from the two subsidiary panels to the final panel that took the final decision that was chaired by a senior civil servant. We have sought to follow a similar process, although simplified, for all the appointments within the office with young people sitting as equals, having been appropriately trained, of course, because there is nothing worse than asking a young person to do something but not giving them the tools and the assistance that they need to do it, but having been appropriately trained they are involved in every selection process now for the staff of my own office, and there is no question that it has produced better recruitment because young people do not mess around and are not as correct as we adults sometimes are in being very gentle in our views or in the way we put things. They cut to the chase is perhaps a good way of putting it.

Q267 Mr Turner: How does this apply in Scotland and Wales?

Professor Marshall: With me it was slightly different because technically I was appointed by the Queen on the nomination of the Scottish Parliament and because it was a parliamentary committee that was doing it they felt they could not have the young people on the committee. What they did was have the young people recruited from various backgrounds and all the candidates had to go through two different interviews, one with a group of primary school children and one with a group of older young people who then wrote a report, with adult help, for the selection panel of Members of the Scottish Parliament. When we are recruiting our own staff, of course, we do not have that difficulty about the parliamentary committee so we have had a young person's group interacting with them and also we have had two of the young people on the interview panel. With the new round—I have only recruited three staff so far—we are looking for ever more inventive ways to include them and to make it a meaningful experience for them.

Mr Clarke: For Wales, I was interviewed, as were six short listed candidates, by a panel of 12 young people aged 10-19 for about an hour. We were then given a break and ushered into a room where there was a further group of eight young people where we had to do a role play in front of them and they put on various plays and described various scenarios and then questioned us very directly and very clearly eliciting our fundamental attitudes to young people really. Likewise, we now have two young people on every panel for our own staff. In Southern Ireland I believe they actually got them involved in drafting the advert in the paper as well and the second

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characteristic of the person they were seeking that they listed was humility. My sons tell me I would have failed.

Q268 Mr Turner: I am sure you would not be alone.
Mr Clarke: They were considering a dancing test for Nigel's post.

Mr Williams: They were, they thought the Commissioner should be able to dance, but I would have failed completely.

Q269 Mr Turner: What about when you are listening to young people yourselves? Forgive me if I quote you out of context, Professor Marshall, but you said you wanted to build on what is there for the mainstream and work from the outside in.

Professor Marshall: Yes.

Q270 Mr Turner: I did not understand that.

Professor Marshall: Let me explain. In terms of participation, there are already a number of good initiatives in Scotland, for example there is the Young Scot Network which has invested a huge amount of money in an interactive website to ascertain the views of young people, and what is being developed at local level are what are called mostly dialogue youth projects to try to involve young people at a more local level expressing their views. Some of these projects are more developed than others. Given that all this investment has been put into them, it would not seem right for us to try to set up something in parallel, so what we are doing just now in developing our participation strategy is looking at the scope for using what exists for the mainstream and those who can access that kind of thing, because not every young person can or would want to access a website, for example. We are looking at the scope for that and also hoping to develop by using them so, for example, perhaps for those more local projects that are not very active, if we give them a task to do we can help develop them by doing it. There are other groups that are going to be more difficult to access. We have got a lot of contact already with groups of children and young people with different kinds of disabilities. Our website has got the initial introduction in British Sign Language and we contact lots of wheelchair users and children with learning difficulties. At the moment we are trying to set up a meeting of people who work on the streets with young people to work out how we can use their services and their expertise to get to those who are socially excluded and who, by definition, are not going to join a focus group for the socially excluded young. They are going to be the most challenging group because some of the others are issues about how you communicate, but with the

socially excluded you have to put a lot of effort into trying to find out how we can get their interest and how we can somehow engage their interest in what we are doing and show them we are taking it seriously and we are giving them a voice. Most of our resources will be put on the fringes, people who have the difficulties, and we will be using and hoping to develop the central mechanisms that already exist.

Mr Williams: I agree very much with Kathleen that you have got to build on what is already there and not disturb things that are really working to try and seek children's views, but seek to use those avenues as well. On Saturday, I was with the Fermanagh Shadow Youth Council, which is a remoter part of Northern Ireland, where they have a youth council that shadows the local authority and their elected members. I spent some time with them talking about my own priorities and what do they think and doing various exercises with them to see what their views were. I think there is no single way of hearing children's views, the important thing is to use all the different avenues. We have had major pieces of research where over a thousand children and young people have been involved. We have commissioned special work with pre-school children to establish their views on particular issues with help from those who are experienced in doing that work with younger children. I have established a youth panel as my own set of private advisers, if you like, that I can go to about anything. I was with them yesterday, in fact, and said to them, "You have got to keep me honest. If you see anything in the news about the Commissioner and my work", we call ourselves NICCY rather than Commissioner for Children and Young People in Northern Ireland, which is such a mouthful, "if you see anything that NICCY is doing that you are not happy with then do fire off a quick e-mail to me or let me know". I think they are in a special position but going and listening in schools, working with the voluntary organisations that have specialised in working with particular groups of children, who have access to those children, is very important, and getting past those young people who have taken the opportunity to be politically active, with a small 'p', and get their views across, to listen to all those who do not take those opportunities, that is where you have got to find additional mechanisms to do that.

Chairman: Can I thank you. I am sorry, I did promise my colleagues a 17:45 finish and we are just slightly over time. Can I say what a pleasure it has been to have the three Commissioners before us. I think we have learned more in this session than we have learned for a very long time. I thought the two sessions complemented each other brilliantly. If you remain in communication with the Committee we would be most grateful. Thank you very much.

Monday 24 January 2005

Members present

Mr Barry Sheerman, in the Chair

Valerie Davey
Jeff Ennis
Paul Holmes

Helen Jones
Jonathan Shaw

Memorandum submitted by the Family Policy Alliance

1. WHAT IS THE FAMILY POLICY ALLIANCE?

The Family Policy Alliance was formed in February 2004 by three leading family support organisations: Family Rights Group, Family Welfare Association and Parentline Plus, who, together, support a wide range of service users receiving universal and targeted family support services. Its purpose is to influence current policy debate about the role of the State to support families to care for their children safely.

The Alliance is supported by a much larger group of similar organisations, many of whom joined us in a seminar in May 2004, to express support for refocusing family support services to achieve the outcomes for children identified in the Government's Green Paper "Every Child Matters".⁴

Drawing on the extensive collective expertise of the three partners in providing information, advice and support services to families about the care and protection of their children, the Alliance aims to:

- highlight the central connection between the well being of children and the need for sustained support and investment in parents and family members;
- promote the involvement of parents and families, as well as children, in the planning, delivery and monitoring of services; and
- focus attention on the benefits for children, their families and society of taking effective action to tackle discrimination and social exclusion.

Our submission is informed by our experience of consulting with, and providing direct services to, thousands of families whose children are "in need" every year. When these families contact us, many of them tell us have been desperate for help for a long time, but have been unsuccessful in obtaining support from statutory service providers.⁵ As service providers ourselves, we are continuously consulting with parents and families about the kinds of services they find useful and what the barriers are to accessing these. Our submission and recommendations to the Committee are therefore based on the practical perspective we bring from working closely with families from many differing backgrounds.

We have been active in contributing to the debate on the Green Paper "Every Child Matters" and on the Children Bill 2004. We welcomed the proposed reforms in the Green Paper but we were disappointed that the Government's aim to achieve the five outcomes for children and young people appeared to give little weight to the central role of parents and families in achieving these for their children.

2. WHY IS IT ESSENTIAL TO WORK IN PARTNERSHIP WITH PARENTS?⁶

Children are society's future and parents, families, the community and the State have a shared responsibility to work in partnership in order to build secure foundations for this future.⁷ These foundations rest on one core principle: children's welfare is best promoted in their family environment unless this places the child at risk of significant harm.⁸ Parents and families are therefore central to meeting the aspirations

⁴ Every Child Matters, DfES, 2003.

⁵ See Tunstall and Aldgate Services for Children in Need: From Policy into Practice, The Children Act Now: Messages from Research DoH 2001.

⁶ Although the terms of reference of the Committee cover "work with parents" this submission uses that term inclusively to embrace a wide concept of family, based on the child in the context of the adults who are connected with the child and must take into account the families' understanding of who is family to the child.

⁷ The respective roles of the different partners is discussed more fully in a recent submission we made to the Commission on the Well-being of Children attached.

⁸ See Department of Health (1990) The Care of Children: Principles and Practice in Regulations and Guidance, London, HMSO.

the Government has for children. This applies not just where children are living safely at home with their families, but also where there are child protection issues, for example:

- The great majority of children, including those where there is a formal concern about their welfare by protection agencies, live at home with their families.⁹ Policies therefore need to be family centred otherwise they ignore the key people who are responsible for providing for the day to day care and well being of the vast majority of children and young people;
- Even when children have been identified as being at risk of harm, there is a strong body of research which shows that the key to the successful protection of children is a positive working partnership between the family and the local authority. Indeed the official summary of a number of research studies on child protection carried out in the 1990's stated that:

*“an alliance is needed which involves parents and if possible children actively in the investigation, which takes account of their views and incorporates their goals into plans. A failure to achieve this level of co-operation helps to explain why some children remain safe at home when others do not.”*¹⁰

Drawing upon this research evidence, government policy now requires that the principle and practice of partnership should be a central feature of family support and child protection interventions. Guidance on child protection states that:

*“parents know more about their family than any professional could possibly know, and well-founded decisions about a child should draw upon this knowledge and understanding.”*¹¹

More recently, announcing the launch of the Parenting Fund, the Minister for Children said:

“Everything we know confirms that the quality of parenting in the home is the key to enabling a child to fulfil their potential. Yet parenting is one of the most difficult jobs and there are times when any family may need extra support. We want to make sure it is available to them.”

However, although official policy on family support and child protection clearly requires statutory services to strengthen the family's capacity to promote the well being of their children, there are still tensions between different government departments as to how this principle is applied in the broader context of policy strategies. These tensions are attributable to a number of factors, for example:

- A cross-departmental philosophical tension in government between supporting families with children in need on the one hand whilst simultaneously criticising families for their children's inappropriate behaviour on the other. The Government has increased its scrutiny of parenting and sought to identify what is “good parenting”, justifying its intervention and regulation of parenting beyond the remit of child protection because it believes that social ills and poor outcomes for children can be addressed though regulating parental behaviour and responsibilities.
- Fear of allocation of limited resources to making family support meaningful—this is discussed further below under section 3.
- Broader economic and social factors which inhibit effective parenting and wellbeing in children and families— the issues about what impacts on outcomes for children are complex and many families struggle with factors beyond their control such as poor health, lack of adequate housing and economic constraints. Such factors undermine policies which promote effective parenting.¹²
- Support for families, which is broadly if not totally accepted at a policy level, is often not translated into practice in individual cases such that parental difficulties in raising their children is attributed to their personal failings rather than inadequate support in adverse circumstances, as identified by Ghate *et al.*¹³

These tensions make it difficult enough for professionals to understand the coherence of government strategies. For parents and families, it is even more difficult to know whether to see the State and its support policies as helpful, or critical, undermining and punitive.

⁹ Recent figures show that 85% of children whose names are registered on the child protection register live at home or in their family network.

¹⁰ DoH, Child Protection: Messages from Research 1995, at p 45.

¹¹ Chapter 7 Working Together guidance.

¹² Ghate D and Hazel N Parenting in Poor Environments: Stress, Support and Coping 2004.

¹³ Ghate and Hazel, op cit supra.

In our view, policies and principles underpinning the delivery of services designed to promote the safety and well-being of children must be consistent, child focussed and family centred, with assistance from the State when parents need to be supported in their child rearing tasks¹⁴. This is not just the logical conclusion of the above—it is also a matter of domestic¹⁵ and international law.^{16, 17}

3. HOW FAR IS WORKING IN PARTNERSHIP BEING ACHIEVED IN CURRENT PRACTICE?

These tensions aside, the general commitment to working with and supporting parents is welcomed in principle. However, its implementation is flawed. The sad reality is that families with children in need do not receive adequate support and many have difficulties in accessing such support as is available. This fact is not just borne out by research,¹⁸ but is also evidenced through our respective advice and support work. Every year, we collectively advise tens of thousands of parents, carers and family members who are desperately in need of support to help them raise their children. Their recurrent story is that they have to battle for months, if not years, to obtain the services they need, often to no avail. Services are not provided either because they have not been able to demonstrate that their need is acute enough to warrant even an assessment for support services, or because there simply are not the resources available to provide much needed services until the family situation has reached such a crisis that there is a child protection investigation. This practice was specifically disapproved by the government in 1995,¹⁹ yet has persisted. Thus, whilst government policy constantly reiterates the importance of supporting families, the reality is that this support is frequently not available until it is too late.

4. WHY IS FAMILY SUPPORT NOT AVAILABLE?

In the wake of the Laming inquiry,²⁰ the Government is understandably focussed on the safety and well being of children but does not give adequate recognition, particularly in its allocation of resources and its audit processes, to the link between family support, working in partnership and improving outcomes for vulnerable children. This means that families continue to live in material poverty, without adequate support, which inevitably impairs their ability to raise their children as they would wish. Their children's well-being is undermined as a direct consequence.

*"Parents reported that, overall, tackling material poverty and deficits in family resources was their prime concern and that poverty was the cause of many of their problems."*²¹

In their overview of studies considering the aim of the Children Act 1989 to achieve a balance between State support and State protection for children underpinning family policy, Aldgate and Statham concluded that although the principles of the Act were sound, its implementation had been significantly affected by "a climate of intense competition for resources for public welfare services." This had inevitably resulted in the threshold for receiving support from the statutory sector being set high. At the same time, the voluntary sector had also experienced the constraints and impact of changes in government policies for funding.²²

The competition for finite resources conflates with the tensions in government policy elaborated above as to whether the State should support parents to bring up their children or whether its role is to regulate parental behaviour and monitor how these responsibilities are carried out.

Resourcing a wide range of both formal and informal family support is therefore the key to the successful implementation of the Government's aim to promote the well-being of children. It is also imperative that the Government is clear about the principles underpinning its family policy strategy and that there is consistency

¹⁴ This is the rationale behind Part III of the Children Act 1989. See also the summary of research in The Children Act Now: Messages from Research DoH 2001.

¹⁵ S 17 Children Act provides that local authorities have a general duty to provide services for children in need to safeguard and promote their welfare by providing services to the child or a member of the child's family.

¹⁶ Article 18 UN Convention on the Rights of the Child 1989 provides that State signatories should support parents to carry out their responsibilities for the upbringing and development of their children by providing "appropriate assistance" to parents and legal guardians by providing services and facilities. Although not enforceable under domestic law, the Convention was ratified by the Government in 1991 and as such provides an important benchmark regarding the rights of children and families. Moreover the new provisions regarding the Children's Commissioner in the Children Bill 2004 which include a requirement that s/he must have regard to this Convention means that such international provisions have increasing significance and relevance to domestic child care policy and practice.—see clause 2(11).

¹⁷ Human Rights Act 1998 and Article 8 European Convention for the Protection of Human Rights and Fundamental Freedoms—right to family life subject to Article 8 (2), also reflected in s 23 (6) Children Act 1989.

¹⁸ The recent publication by Hedy Cleaver and Steve Walker (2004) on Assessing Children's Needs and Circumstances analyses the limited progress made by a sample group of authorities in implementing the 2000 DoH Assessment Framework. The report highlights that assessments were often child protection related. Unfortunately, the experience of the three organisations involved in the Family Policy Alliance is that it is still the case that, for many families, support is only forthcoming when their circumstances deteriorate to the point at which professionals have serious child protection concerns.

¹⁹ DoH, Child Protection: Messages from Research, 1995.

²⁰ The Victoria Climbié Inquiry Report of an Inquiry, Lord Laming, 2003.

²¹ Ghate D and Hazel N Parenting in Poor Environments: Stress, Support and Coping 2004.

²² Aldgate and Statham Services for Children in Need: From Policy into Practice, The Children Act Now Messages from Research DoH 2001.

across departments about the values underpinning such policies. If child impact assessment statements for all proposed legislation also included impact on the family, there would be greater coherence as to how the proposals strengthen child and family well being.

5. WHAT WORKS IN TERM OF EFFECTIVE DELIVERY OF FAMILY SUPPORT SERVICES?

However, even if family support is better resourced, it will only be effective if it is delivered in a way which is welcomed, rather than resented or avoided, by families. The parents we have consulted, and professionals in the Alliance who work with families in need of support to care for their children, give us the same messages time and again. Effective family support depends on two factors:

- parents need to be able to say what they need to support them to care for their children, and to be heard and respected; and
- there needs to be clarity as to the respective roles of the parent and the professional to provide the basis for a mutual trust between the parents and the agency which delivers support services.

This is not just based on the experiences of families we advise in our services. It is supported by findings made in government funded research summarised in Quinton “Supporting Parents: Messages from Research”.²³ We have also conducted our own action research as part of the work of the Alliance so that our campaigning work is well grounded. This took the form of two consultation events to find out what works in terms of effective family support: focus groups with parents who need support to care for their children, and a seminar of professionals representing a range of voluntary sector agencies who work with these families. Together, they identified the following messages about what works in delivery of family support services, which we describe as the 6 R’s, for service planning and delivery:

- Reachable services—for all family members. In an ideal world, families tell us that services would be: locally based, delivered at a “one stop” shop by a range of providers, integrated to avoid going over painful stories and sorting out incomplete agency records, and through meeting with the professionals face to face.
- Recognition—of the family’s view of their need. Many families are confused about how to get support services. They often do not know what they are entitled to receive and do not have any clear understanding of when or how their need for support is being assessed.
“certain people seem to spend more time hiding from me than dealing with the problem.”
- Response—to the needs of the whole family. Families have a good understanding of what works for them. Professionals should listen to the family’s wishes and preferences, both at the initial planning stage and at subsequent reviews of the plan for services.
“don’t tell us what we want and make a decision.”
- Respect—the family has expertise. Their culture and their skills need to be valued and respected. Families want to take responsibility for the challenges of parenting. Therefore, although they welcome support in their parenting role, they want to retain autonomy, choice and control about how to use services to benefit their children (unless this would in itself place the child at risk).
“yes, we want your expertise but don’t assume you’re an expert on my life. Don’t pity or patronise me”
- Referral—to services which meet their expressed need, or signposting so as to put a package of services together. Front line service workers should be interactive with families and able to signpost effectively and give information about a range of services. They therefore need training and adequate time to listen to what families want and help them work out what is available.
- Review—to check whether the support provided is useful. This will identify whether another service is needed or should it be used in a different way—through the individual case and also the overall service evaluation. Parents want their needs to be met so as to enhance their care of their children. In the heartfelt words of one parent who was seeking services on behalf of her disabled child:
“Not being forgotten about, filed and ignored”

6. WHAT ARE THE IMPLICATIONS OF THESE MESSAGES FOR PRACTITIONERS IN THE WORKFORCE AND WORKFORCE REFORM?

Families tell us that the qualities they value in professionals working with them are:

- They are parents or understand the challenges of being a parent.
- They return telephone calls.
- They are good listeners.

²³ Quinton, D Supporting Parents: Messages from Research 2004 Jessica Kinsley.

These are essentially matters of attitude on the part of the professionals and not resource intensive. Our findings are consistent with findings in the general population studies on what works in family support services summarised by Quinton as:

“parents wanted services:

- to treat them like adults;
- as partners in problem solving;
- to be practical and professional;
- to take their needs seriously; and
- to be fast and responsive”.²⁴

In order to achieve these aspirations, service providers at our seminar agreed that frontline workers need to:

- be valued;
- be trained—specifically to work with parents, families and children;
- have a sound knowledge of local resources;
- be supported—by peers and through good quality, skilled supervision and consultation;
- be properly remunerated to retain skills and expertise; and
- have an entitlement to paid sabbaticals to avoid “burnout”.

These messages need to be incorporated into the overview of workforce reform so that not only are knowledge, skills and competencies addressed and also the organisational and managerial support structures required to deliver effective services. It is therefore essential that senior managers are accountable for the quality of the service provided, that they take seriously their responsibility to train and supervise staff and that when errors of judgement are made and systems fail that they are held accountable.

7. WHAT IS THE ROLE OF THE VOLUNTARY SECTOR IN SUPPORTING FAMILIES?

The voluntary sector has a sound track record of providing flexible and innovative family support services, both independently and in partnership with local authorities. Our planning and review of services with parents tells us that families like the flexibility and “lack of stigma” that voluntary sector services provide. Parents have welcomed group activities which have enabled them to meet with other parents and share solution finding in a less socially isolated way.

However, for the voluntary sector a continuing barrier to developing a range of services is the uncertainty about, or lack of, core and sustained funding. Not all services need to be constantly innovative: they need to be flexible and sustained when they work. Yet it is innovation which tends to attract funding in the voluntary sector. This leads to frequent repackaging of widely used and effective services in order to secure renewed funding. This is not only frustrating for the organisation and the staff employed on a project, but also means that work done in establishing trust with families using the service is undermined because of uncertainty about whether a project will continue. This was the experience of projects funded through the Children’s Fund and the Government’s recognition of the implications of altering funding streams is welcome. The new proposed new partnership with the voluntary and community sectors may address this.²⁵

8. WHAT IMPACT WILL THE PROPOSALS FOR INFORMATION SHARING AND DATABASES HAVE ON WORKING WITH PARENTS TO PROMOTE CHILDREN’S WELLBEING?

The Government in its consultation paper on information sharing²⁶ identifies two key issues:

- Should the parent and child’s consent be a prerequisite to putting information on the database?
- Should a professional have the consent of the child and parent to disclose information about their concerns for a child to other professionals?

Trust is central to effective intervention to support parents to meet the challenges of bringing up children. This is not only the view of parents. It is supported by longstanding and more recent research.

“Support from any source should not make parents feel vulnerable, small or obligated. If ‘support’ does not have these features it is, simply, not ‘supportive’.”²⁷

Unless the issues of consent and openness about recording information are properly balanced between the rights of the individuals to know what information is held about them and the need to protect children, the information database which the Government sees as a useful tool to aid professional communication, risks undermining a core ingredient of effective family support services.

²⁴ Op cit supra.

²⁵ See the recent compact and strategy between the DfES and the voluntary and community sector.

²⁶ Information data bases in Children’s services—DfES consultation document 2004.

²⁷ Op cit supra at page 192.

Moreover, families are unlikely to welcome a database which records information about their child but does not guarantee any entitlement to be assessed for support services. Family Policy Alliance made a number of proposals during the passage of the Children Bill 2004 to strengthen the provisions in clause 12 to ensure that if a child was flagged on the database as “a cause for concern” by a particular professional, not only would the parents be told but it would trigger an assessment or process to identify what services would be useful for the child and parents. Thus, there would be a clear link between the legislation’s aim to promote information sharing with duties to provide services under existing child care legislation, notably the Children Act 1989. Coherence between current and new legislation is more likely to promote good professional practice.

These proposals have not been incorporated in primary legislation, but we believe must now be addressed in the forthcoming Regulations and guidance. Families want to work with professionals but will be wary of doing so if they believe that professionals are making judgements and decisions about their children, leaving them with no control over what services are provided. Their confidence in professionals will be further undermined if the stigma of being “flagged” does not result in any services to support them to remedy the concern.

9. RECOMMENDATIONS OF THE FAMILY POLICY ALLIANCE

Drawing on this range of evidence, we conclude that achieving the desired outcomes for children’s well being depends on effective support for families in their child rearing tasks. This will be best achieved by:

- I. Realistic and adequate resources for family support services from a range of providers for children who are “in need” as defined in s 17 Children Act 1989.
- II. Service user involvement in the strategic planning of services in the area so that the design and delivery of services are suited to the needs of the local population.
- III. Good quality information about entitlement to services for children in need and their families.
- IV. Local, well publicised information and access points for assessment and referral.
- V. Clear assessment processes, in which families are central to the planning and review of service. This would be best achieved by self assessment forms being developed for families to complete so that their view of their needs is central to an assessment of their needs.
- VI. One agency (or post within the agency) being designated to take responsibility for completing the assessment, or for delegating this, with clear accountability for the outcome. This is particularly important given the plethora of agencies which may be involved in the proposed Common Assessment Framework.
- VII. Families need to have an opportunity to consider the result of the assessment and proposed plan for services whilst it is in draft form—as they do in relation to adoption services and special educational needs statements.
- VIII. Following completion of the assessment, there needs to be clarity about which agency is responsible for deciding whether services should be provided and if so, for delivering these.
- IX. Before a local authority takes over decision making or care of a child because of child protection concerns, families should be given the opportunity to request and hold a family group conference to enable the family to agree a plan to promote and safeguard the child’s welfare.
- X. Clear lines of accountability and access to complaints procedures.
- XI. Access to independent advice and advocacy support to make representations about service entitlement and delivery.
- XII. Up to date data on local and national services to which the family can be referred according to their need.
- XIII. Regular reviews of service provision in which families are key contributors.
- XIV. Semi informal services need to be widely available and providers need to make sure that excluded groups are provided for. To develop these kinds of services, planners and providers need to consult with users of the services but also seek out the views of those who may need but do not use the services. These requirements should become a standard part of the audit of standards of service planning and delivery.
- XV. Senior managers should be accountable for the quality of the service provided, and ensure that audits are carried out which involve service users. They must take responsibility for training and supervising staff. When errors of judgement are made and systems fail they should be held accountable.

Overall, policies and practice should support families to use their skills and strengths so as to ensure their children’s well being and also give them a range of supports to assist them with the challenging tasks of parenting. This core value needs to underpin explicitly the policies of all government departments.

10. CONCLUSION

Our submissions are informed by the services the three organisations, Family rights Group, Family Welfare Association and Parentline Plus provide, the views of users of these services and our consultations with both families and service providers. These messages are reinforced by research which consistently concludes that partnership is a core requirement for effective interventions to support children and their families.

Our recommendations require government and policy makers to spell out clearly the cross-departmental value base for the reform of family support services and family policies generally to achieve optimal outcomes for children in partnership with families. They also require a firm commitment to providing resources not only to develop and sustain services but also to train and support professionals with the requisite values and skills to deliver the services in such a way as to make a real difference to children and families.

November 2004

Further memorandum submitted by the Family Policy Alliance

1. FAMILY POLICY ALLIANCE (FPA)

FPA comprises three lead organisations (Family Rights Group, Family Welfare Association and Parentline Plus) which provide advice and support to families who are caring for children, many of whom are disadvantaged or vulnerable and in need of additional support from the State to raise their children.

Between us we support tens of thousands of families every year, and we draw upon this collective experience of working with families when making our submission to the Committee. We have also consulted with a much larger group of similar organisations who broadly support our views.

2. EVERY CHILD MATTERS—THEREFORE EVERY FAMILY MATTERS TOO

- Parents and other family members are the main carers of almost all children in the country.
- This applies not just children who receive mainstream services, but also those who are in need, those on the CPR (CPR) (85% live at home) and even those who are looked after (estimated 92% return home).
- Therefore, any policy which aims to improve outcomes for children must be based on the premise that parents and families are key players and their needs and perspective must be inform the design and delivery of services.
- This may sound obvious but given the extensive lobbying and debate that was necessary in the House of Lords to ensure that an amendment was accepted to the effect parents' needs were recognised on the face of the Children Act 2004 [s 10 (3)], it cannot be assumed.

3. WHY IS FAMILY SUPPORT POLICY NOT WORKING?

We start from the premise that the vast majority of parents want to do the very best for their children, but there are significant material and environmental factors which militate against this—poverty, stigma, poor housing, poor health, domestic violence, discrimination, social exclusion—they therefore need support from the State to help them in their child rearing tasks (reflects expectations of Article 18 United Nations Convention on the Rights of the Child (UNCRC)).

Government has repeatedly stated its commitment to providing this support to families. The latest initiative is the Common Assessment Framework which aims to address children's needs which are not met at a very early stage.

But sadly, to date, support has not been delivered to many who most need it unless they are in crisis so we are sceptical about the likelihood of this laudable goal being achieved.

The current obstacles to effective support for families at an early stage are:

- Lack of adequate investment in prevention: this is not news, but given the extensive investment which will be committed to the implementation of new proposals which flow from Every Child Matters, it is timely for all to pause and ask the question: is this new investment being put to the best use?

Family Policy Alliance, (supported by many similar organisations) says it is not—because the current systems are not in themselves defective—indeed the legal and practice framework is broadly sound—the problems stem from a lack of implementation of current support, protection and child welfare policies, and a lack of accountability for this failure. Witnesses far more eminent than FPA have and will make this point forcefully to the Committee.

- S 17 places a duty on the local authority to provide support for children in need and their families. S 17 (10) and (11) defines what is meant by “in need” in law, but the lack of resources behind family support, means that local authorities redefine it when setting their eligibility criteria for who can and who cannot receive support.

In our experience, these eligibility criteria are set very high—closer to child protection thresholds, so families don’t get support until the home situation is in crisis and their child potentially at risk of harm.

Whilst the Common Assessment Framework (CAF) will clearly improve consistency of assessment between agencies, it will not address this problem as the threshold for conducting a CAF is not defined. It is likely that the same situation will therefore persist, unless substantial resources are put into not just training on the CAF, but also actually carrying out the CAF guidance and providing services identified as being needed in the assessment.

- The difficulty for families is how to get services when they want them. Time and again we see families asking for help yet not receiving it until the home situation has reached such a crisis that the children are at risk or are registered on the child protection register—it is this registration which unlocks the provision of family support services.

Eg: Michelle’s case—a mother of three seeking help with her 10 year old son’s extreme behaviour problems—putting her and her other children under intolerable stress. She begged for specialist help both for him and for herself to address his difficulties but for years help was refused. It was only when it became so intolerable that she left him at his school at the end of the day, that SSD took her seriously, and provided support, but by then, because of her desperate action, it had become a child protection matter.

- Having said the legal and practice framework is sound we should qualify that in some respects: because of the limited resources and strict gate keeping of s.17 services, parents who want and are asking for support need the law to empower them all the more so to challenge a refusal of support, they need the LA to be under a duty to:
 - assess their child’s needs on request: the problem is there is a general not an individual duty on the local authority;
 - to provide services to meet any identified needs; and
 - to provide access to independent advice and advocacy to support families to challenge a refusal of services.

We lobbied on this when the Children Act 2004 was debated in Parliament but our amendments were strongly resisted.

Why?

- This gate keeping of services in line with a child protection threshold has several adverse consequences for children and families:
 - Children are denied services until they are at risk of harm only; and
 - if support is offered in the context of child protection enquiries, parents are often distrustful and even fearful of any support offered because it no longer seems to be a voluntary process in which they have a choice and some degree of control. “research—Quinton *et al*—shows how important parents retaining control is for support to be effective.”

For example, if one takes the possibility of a family attending a parenting class or family centre, the message this gives is completely different if child protection enquiries have begun than if they have not.

If the service is offered when a child/parents’ needs are first identified the message is, “I can see your son has some challenging behaviour and we want to support you to address these challenges, would you like to come to this parenting course/family centre to develop your parenting skills?”

Whereas

If it is “offered” to a parent/family as part of a child protection plan the message is more like, “We think you are not able to discipline your son; he is clearly out of control and you haven’t been able to meet his needs (or worse, you have neglected/emotionally abused him) so we are going to give you a last chance to improve your parenting of him by coming to this parenting course/family centre, but if you don’t improve we will take him into care”.

It doesn’t take a PhD in psychology to work out that the first feels supportive whereas the second feels frightening and coercive—such an approach is likely to adversely affect the potential benefits of the support offered, and it is contrary to the core principle of partnership in the Children Act 1989.

4. SO WHAT WOULD MAKE FAMILY SUPPORT POLICY EFFECTIVE?

Rationalise the confusing philosophical tensions and policy contradictions which exist between government departments eg

- Contrast DfES policy of supporting families with Home Office policies which tend to view families as the source of the problem and be punitive rather than supportive in seeking solutions—parenting orders/ASBOs under ASBA 2003, proposal to take children into care following refusal of asylum s 9 NIA 2002.

DFES must invest in family support—there is an opportunity to do so when introducing CAF, but there will need to be a key period of double funding to address the needs of both young people whilst rolling out an extensive early intervention program for younger children and their families.

Amend the law to place a duty on the local authority to:

- to assess the needs of children (and their families) when they are in need as defined in s 17(10) and (11); and
- provide services to met those identified needs.

Again, this would be consistent with Article 18 UNCRC.

- Respect and listen to parents and treat them as equal partners in promoting good outcomes for children. After all they are better informed than anyone in knowing what their children need and in the vast majority of cases will continue to be responsible for caring for their children.

This is the strong message from recent research on Family Support and also from those we have consulted with over the last year. Family Policy Alliance has consulted with:

- approximately 30 voluntary organisations and individuals who are directly involved in the design, delivery and evaluation of direct services which support families who are caring for children, and
- families who are in receipt of these services.

Together we have set down some key messages about the way in which family support services should be delivered—these can be summarised as:

- Parents need to be able to say what they need to support them to care for their children, and to be heard and respected, and
- There needs to be clarity as to the respective roles of the parent and the professional to provide the basis for a mutual trust between the parents and the agency which delivers support services.

For ease of reference, we call this the 6 R's:

- Reachable services—accessible local services available from a range of providers, integrated to avoid going over painful stories and sorting out incomplete agency records, and which don't have long waiting lists, are culturally sensitive etc.
- Recognition—of the family's view of their need. They often do not know what they are entitled to receive and do not have any clear understanding of when or how their need for support is being assessed.
- Response—to the needs of the whole family. Families have a good understanding of what works for them. Professionals should listen to the family's wishes.
- Respect—the family's expertise about their child's needs. Their culture and their skills need to be valued and respected.

Families want to take responsibility for the challenges of parenting. Therefore, although they welcome support in their parenting role, they want to retain autonomy, choice and control about how to use services to benefit their children (unless this would in itself place the child at risk).

- Referral—to services which meet their expressed need, or signposting so as to put a package of services together. Front line service workers should be interactive with families and able to signpost effectively and give information about a range of services. They therefore need training and adequate time to listen to what families want and help them work out what is available.
- Review—to check whether the support provided is useful. This will identify whether another service is needed or should it be used in a different way—through the individual case and also the overall service evaluation. Parents want their needs to be met so as to enhance their care of their children.

Finally, INVEST in services over the longer-term. The greatest impediment to children achieving the five outcomes is poverty and material deprivation. Until this is addressed, some children will continue to fail to achieve these goals and a number will be at risk of avoidable harm.

Short-term or fixed term funding as the experience of the Children Fund demonstrates does not build the necessary foundation for sustained service development and delivery. Not does it secure the skills within the workforce to enable professionals to work alongside parents and carers.

5. WHY THE DATABASE WON'T WORK

A local database will not assist the support of children whose families are transient. It needs to be national.

Information about agencies' involvement with children and families would be useful if operated nationally except that the data it contains is likely to become out of date fast—whose responsibility will it be to update information? What about the DPA/HRA compatibility?

Flagging causes of concern is fundamentally flawed for the following reasons:

- There is no definition of cause for concern so there will be no sense of uniformity across the country and across professions about when a flag should be logged. If it is pursued, it must be defined and in our view linked to a clear duty to assess the need for support.
- It is not linked to the existing legislative framework to provide support to children and families. Therefore, if a concern logged by one professional, it will not trigger a corresponding response from another to take action.—It will create an erroneous comfort zone for professionals who have logged without achieving anything for the child.
- It is likely that flagging concern will alarm families rather than support them especially as there is no corresponding duty to provide support. It will undermine the partnership and trust between family and State to work together to achieve good outcomes for children—and this is already identified by research as the key factor in protecting children who are at risk of harm.

Finally, we oppose its implementation on the basis that it will be hugely expensive to set up and maintain and the resources and funds could be much better spent on much needed assessment and service provision.

January 2005

Memorandum submitted by the Policy Research Bureau

UNIVERSAL SERVICES

The research suggests that universal services, available to all irrespective of level of need, play a vital role in preventing poor outcomes for children. Universal services in the UK currently range from those provided by statutory health and social care agencies (eg antenatal care and the health visiting service for families with pre-school children) to various forms of parenting support services provided by the statutory sector, the voluntary sector or both in partnership (eg some SureStart services, a national telephone helpline [Parentline Plus], newsletters and leaflets).

The research shows they can perform the following functions effectively:

- Increase parents' knowledge about aspects of child development and child care through provision of basic information and advice to parents—for example, safety in the home, nutrition and diet, the importance of inoculation against early childhood disease.
- Achieve change in simple parenting behaviours.
- Act as a gateway to other services—for example, provision of information on where to get further help.
- “Boost parents” informal networks where group activities are offered, by providing a place to meet and interact with other local parents

The research base on open access, universal services is extremely weak, however, and should be improved as a matter of urgency, given the costs of providing such services.

There is a strong case for providing universal services as research shows that the majority of parents admit to difficulties with or lack of knowledge about child care and parenting at some point in their child's lifetime. In addition, it is generally thought that universal services can contribute to the acceptability of services amongst the public by “normalising” service use. However, there is also considerable evidence that these services are not always experienced in a positive way by families who use them. They need to guard against seeming to preach or teach and to ensure they work in a partnership model with users.

Research also shows that despite the label, “universal” services will frequently fail to reach all parents. They often do not reach those in greatest need who have more serious problems in parenting. For example, the national study of 1,750 parents in poor neighbourhoods (Ghate and Hazel 2002) showed that in the poorest areas of Britain, around two thirds of parents said they had never received a visit from a Health Visitor.

Therefore, universal services need to be complemented by targeted services aimed at those with particular needs.

TARGETED SERVICES

The research evidence is clear that targeted services, when properly designed and delivered with care by appropriately trained and skilled professionals, can be effective at:

- Changing attitudes to parenting and child care, and boosting parents' confidence.
- Changing parents' behaviours (for example, reducing the use of harsh discipline) and fostering problem-solving skills and more constructive interactions between parents and children.
- Improving parent-child relationships.
- Reducing the incidence of problematic child behaviours.
- Supporting children's learning and educational progress.

The more entrenched and serious the problems, the greater the intensity and duration of targeted services required to achieve change. Targeted services always run the risk of seeming stigmatising to those to whom they are offered, which can be a powerful disincentive to uptake. Therefore targeted services have, in particular, to pay attention to how they reach and engage with parents. There is mounting evidence that the skills and specific training of staff that deliver these interventions is critical, and that poorly or inadequately trained staff do not achieve effective results.

CONCLUSIONS

The research so far supports the general approach described in Every Child Matters of promoting and improving universal services whilst also ensuring access to more specialised help when required.²⁸ Both types of service are essential. The boundaries between the two types of service need to be kept permeable, and is important not to think of users of targeted services as a somehow different group from those who use universal services. The same families may move in and out of the two groups depending on life stage, and on changing family and personal circumstances. Universal services can however play an important role in preventing difficulties escalating to the point where targeted services are necessary. However, to achieve genuinely integrated services it will be essential to focus attention on the ways that universally available services achieve identification and onward referral of families and children in need.

REFERENCES

Moran P; Ghate D and Van der Merwe A (2004) *What works in parenting support: a review of the international evidence* Research Report 574 London: DfES.

Ghate D and Hazel N (2002) *Parenting in poor environments: stress, support and coping* London: Jessica Kingsley Publishers.

Witnesses: Ms Bridget Lindley, Deputy Chief Executive, Family Rights Group, Family Welfare Association and Parentline Plus, representing the Family Policy Alliance, and *Dr Deborah Ghate*, Director, Policy Research Bureau, examined.

Q271 Chairman: Can I welcome Bridget Lindley and Dr Deborah Ghate to our proceedings. I have already given an apology about our rather frenetic timetable this afternoon but we will win through despite it. The Committee always gets slightly dangerous when it has got to this stage in an inquiry when we have had a reasonable amount of highly informed witnesses before us, and even more so today because we have just returned from British Columbia where we were looking at the working of their Children's Act. We are very keen to get as much as we can out of this session but we always give our witnesses an opportunity to say something in opening if they wish to, or we can go straight into questions.

Ms Lindley: Can I say that I am here from the Family Rights Group but I am on behalf of the Family Policy Alliance and it is three organisations, one of which was not on the announcement. I am here from Family Rights Group, Family Welfare Association and Parentline Plus, and I am afraid

FWA was missed off the list. I would just like to flag that up because everyone has contributed to all the thinking behind anything that I will say.

Q272 Chairman: It is good to get that on the record.

Ms Lindley: Yes, thank you.

Q273 Chairman: Do you want to go straight into questions?

Ms Lindley: I have already prepared some notes which I think have been circulated. We prepared a longer submission and then we did yet more notes. We may have ended up repeating ourselves perhaps but I thought that would trigger some discussion.

Q274 Chairman: Good. Dr Ghate?

Dr Ghate: Perhaps I should quickly introduce myself. I am Deborah Ghate. I am Director of the Policy Research Bureau which is an independent research centre specialising in applying social policy research and on children, young people and their

²⁸ Paragraph 1.2, *Every Child Matters: Change for Children* London: DfES 2004.

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families. I am here as a reader of the research literature and as a research practitioner. I guess the most relevant piece of work for your purposes that we have done recently is a major review of the international research literature on what works in parenting support, which we did for the Department for Education and Skills. You may or may not have seen that. That is a very useful major source of what the evidence base says about these issues.

Q275 Chairman: As I said, we have got quite a lot of evidence already. Can I ask you, Dr Ghate, in terms of your research, although we have only dipped into the work of other countries, how you think the model we have adopted in the UK in terms of *Every Child Matters* and the Children Act compares? Is it a robust model? We were concerned in British Columbia to see a Children's Act that had been around rather longer where the Children's Commission and Commissioner had already been abandoned, where it seemed that they had reduced the focus of the act to child protection issues rather than a broader concept and where it was the least popular brief in the cabinet to become the Children and Family Minister. Is our model a robust model given your international knowledge?

Dr Ghate: I find that a difficult question to answer. I do not think there is a great deal of evidence on the way that systems work together to produce good services for children and families. There is a relatively good and growing body of evidence on how individual interventions work and in relation to individual interventions the way in which they may draw in various multiple agencies and work together to effective or ineffective ends, but I do not think that the model that is described in *Every Child Matters* has been in that form robustly evaluated, certainly in any of the countries that I can think of. The intention to integrate services and to have agencies working much more closely together is supported by the evidence in terms of what seems likely to be a promising approach. As to whether in practice it can be made to work effectively the jury is very definitely still out.

Q276 Chairman: But it is a very large investment, is it not, and some of the predicted costs of this Act are quite astronomical, especially the cost flow in terms of a very expensive IT system for tracking every child in the country when some people have argued that that should flow into better quality services on the ground? Bridget Lindley, have you got any view on that?

Ms Lindley: I would like to flag up the fact that I think there has been reluctance, all the way through *Every Child Matters* being published, the responses, the programme that is being rolled out as a result of that, to acknowledge the role of parents and family members. I know that concessions have been made and parents are part of the programme but I think there has been a philosophical reluctance to acknowledge that every child's family also matters in order for every child to matter. Just on the basis of statistics, almost all children who are in need live at home, 85% of children who are on the child

protection register live at home and 92% of children who are not looked after eventually return home. One cannot have a policy that is looking to improve the wellbeing for children that does not really address how best to engage parents, and certainly research around child protection, and I am sure Deborah will agree with this, has shown that partnership with parents has been the key to the successful protection of children. What we would like to bring from our advice work—and we advise tens of thousands of families every year—is what it is really like to be involved with the system and to be looking for support but to be in fear once you enter the child protection arena and how best to engage families with services in a true partnership. It is about respect and being able to be heard. There are various ways in which I would like to be able to elaborate on that but that is the base line, that parents do matter. There was extensive lobbying and debate in the Lords in order to get parents recognised on the face of the Bill at all. I just think it reflects an implicit reluctance to put families in the centre of the policy.

Q277 Chairman: Deborah Ghate, in the whole debate about universal targeted services is it one or the other?

Dr Ghate: It is definitely both. I think it is important to recognise that the same families may want to access both universal and targeted services at different points in the family life stage as different circumstances change around their family. They are not different groups of parents necessarily. They may well be the same groups of parents but all the research evidence suggests that good universal services are absolutely vital, not least to stop larger numbers of families needing to access the targeted services that then provide more intensive help to address greater needs. Perhaps ironically, despite the label that we give them, we call them universal services and they are intended to be available to all and to be available on an open access basis which does not necessarily take account of need, but in fact what little research we have suggests that universal services quite often fail to reach all parents in the community and all families in the community and they particularly tend to fail to reach the neediest. It is for those families that you need the targeted approach where you can reach out to them and address their particular needs in a sensitive way. I would say that you undoubtedly need both. It seems to me that the strategy spelled out in *Every Child Matters* is entirely supported by what we think will work to support children and families better, both integrated and universal. It is going to be absolutely critical that we improve the way that universal services identify different ranges of the needs that families may have and refer them on to other kinds of services which may be better suited to meet their particular needs.

Q278 Jonathan Shaw: You have identified six criteria as crucial for success. If I read them out it might be helpful: reachable services, recognition of the families' need, responses to the need of the whole

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family, respect of family expertise, referral to services which meet their express need, and to check whether support that is provided is useful. You say that these are crucial to the success of *Every Child Matters*. You have said that you think the Government has been dragged in in terms of parenting. Are you not being a little ungrateful in terms of the fact that we have got this very important piece of legislation and all we hear from you is just complaints that we are not supporting parents enough? You have not mentioned the Secretary of State's first speech which was littered with the word "parents", was it not?

Ms Lindley: I think what I said was that there has been some reluctance but there has been an implicit movement towards acknowledging the role that parents play. When the Green Paper was first published parents were not seen as central to the solution. The purpose of mentioning this is not to complain and be difficult. I would like to emphasise that our role in the Alliance has been to try to find constructive ways forward. We have certainly been involved in many consultations with civil servants around the different papers that are being produced to try and improve things. Underpinning it all is how to make partnership work and how to make services available to families that families want and are going to be useful at a point when it has not reached crisis. There is a massive problem around investment in family support, or rather lack of it, such that the gatekeeping of family support is fairly strict until you get into child protection and once that happens then services follow, but the context in which services are provided when it is child protection is one much more around fear and distrust. It is much harder to work together in a true and equal partnership because there is the possibility all the time that if the parents get it wrong their child will be removed. We have many cases where families are crying out for support much earlier on. For all sorts of reasons they are not able to access it until it becomes critical. If we want to really look at prevention, and the Government have said a lot about prevention and that is very welcome, the trouble is that there is quite a gulf between policy intention and what is delivered on the ground.

Q279 Jonathan Shaw: We are seeing the development of children centres and the Government is talking about wrap-around school provision. Is that the sort of policy development you want to see?

Ms Lindley: The key to its success will be involving service users in the design and delivery of services and how those systems work. That is one factor. The second is to acknowledge that investment is key. Part of the gatekeeping at the moment happens by families not having a right to assessment when their children are in need and that legal flaw means that it is extremely difficult to challenge a refusal of services.

Q280 Jonathan Shaw: How would you define when a family is in need?

Ms Lindley: I would look to section 17(10) of the Children Act 1989. Unfortunately, in the 15 years that the Act has been in place there has been an ever-growing practice to redefine it in each local authority area, which then sets up a hierarchy of eligibility criteria. If you are in the top bracket you are in child protection and you get support. If you are in some of the next brackets you may get support, but if you are way down the line in need, and clearly the kind of children that the common assessment framework is seeking to support are way down the line, there seems to be a gulf between the policy intention, which is to bring it right down and provide support when need is first identified, and the investment which is not there to make it happen until it reaches a much more critical point. We all avoid talking about resources because clearly there are pressures on budgets and it is difficult in terms of the Treasury and what money is available to the DfES but I think that is the nub of it.

Q281 Jonathan Shaw: You are advocating that there should be some minimum standards in terms of assessment or are you advocating a national assessment framework?

Ms Lindley: There is a national assessment framework which is great, and it is issued under section 7 of the Local Authority and Social Services Act, which means that it should be complied with unless there are exceptional circumstances to justify departing from it, but the reality is for individual families that, short of threatening and taking a judicial review, they cannot access it until things become acute. In fact, in my notes I have referred to Michelle's case, which is a very good example—a mother of three, living on her own in deprived circumstances but parenting skills were not really an issue except for the fact that she had a son who had extremely challenging behaviour problems. She for years asked for support and only accessed it by leaving her child at school one day and just refusing to pick him up. Then, of course, it became child protection and then she got support and now he is finally getting what he needs, but that was an extremely desperate measure to get what could be provided and is intended to be provided under the new proposals for the common assessment framework.

Dr Ghate: There have been lots of research studies which on a larger scale would bear that out, that families who are really in the most extreme need will say when they are finally given a service, "I have been screaming for services for years and years and isn't it not ironic that it has to get to this point of crisis before I receive any?". In the research that we did for the Youth Justice Board, parents who received parenting support services as a result of having parenting orders particularly said that, "Why did I have to wait for my child to be identified as a young offender before I received some basic support?". I think you are right; that case is probably indicative of many cases.

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Q282 Jonathan Shaw: You are saying, Bridget, that we do not want to talk about resources, but the potential investment is enormous if you are going to meet every single need. Every single parent who has a child causing a particular difficulty or a young person who is exhibiting some level of antisocial behaviour is going to receive parenting classes. That is an enormous amount. Is it realistic? Do you think the Government is being realistic to talk about this? You are saying universal and targeted, both, are what we want.

Dr Ghatte: Not all parents will want particularly intensive help. In fact, the majority probably will not, and their needs will be relatively short-lived and transitory and if they can get a bit of help and advice when they need it that may prevent problems escalating. The point about the argument on cost is yes, all these reforms will be very expensive if they do not work but if they do work they will be tremendously cost effective because the costs of poor outcomes for children in the long term, both social outcomes and in terms of cost to the Exchequer, are enormous, and we know from the relatively few cost effectiveness studies that have been done on some of the interventions to deal with children at greatest risk that when they work they save money. It is about taking the long view.

Q283 Jonathan Shaw: They do not always save money in terms of the year's budget, do they? That is the problem. It is 10, 15 years in advance.

Dr Ghatte: It is a long view.

Q284 Jonathan Shaw: Unfortunately we do not have ten years of one parliament.

Dr Ghatte: It is problematic when policies are disrupted when changes are made which are intended to run for a certain number of years and then in a much shorter framework everything changes again. It makes it very difficult to evaluate what is effective, even though it may be responding to very real needs.

Q285 Jonathan Shaw: You said that it is not every family that wants an intervention but very often the families who perhaps need a level of intervention are perhaps reluctant to come forward in the first place, hence the argument about targeting not being the best way to hook in families who do have difficulties. There is this tension, this dilemma, that is bound to arise with seemingly a potential for unlimited services. What are local authorities going to do?

Ms Lindley: Can I make two suggestions about it? One is that it is time to be completely up front and honest and say it is too expensive to do that, but therefore to set some minimum standards of where support services will be provided by the state. Maybe the definition of "in need" is too wide and needs to be qualified through guidance. I do not know if it would take primary legislation to do it but I think there could be mechanisms by which we could be more precise about categories or indicators of the need for support. The second thing is rather more bold but I think it would require a period of double funding.

Q286 Jonathan Shaw: How much double funding?

Ms Lindley: I have no idea.

Q287 Jonathan Shaw: Double funding? We have got double counting. It has got in trouble before with that.

Ms Lindley: The cost of family support is incredibly inexpensive compared to the cost of keeping a child in the looked-after system for a week or a month.

Q288 Jonathan Shaw: We hear that all the time and it is an easy thing to say, is it not? Still local authorities have to have the money in case children do come into care. It is easy to say, "We can save this money over 10 years, 15 years", whatever. It is not so easy to do though, is it?

Ms Lindley: But *Every Child Matters* is about making changes. It is optimistic. It is about making things better for the future. I think that we are going to have the same discussion in 5 and 10 years' time until we are bold enough to put money into family support and are respectful enough of families and clear enough about the criteria for when they can and cannot expect services.

Q289 Jonathan Shaw: So the first step to address honestly and boldly this tension between "Have whatever you want" services as opposed to more realistic, "What happens now?", the targeted service for particular children and families in the greatest need, would be a redefinition of that section 17,—

Ms Lindley: National standards.

Q290 Jonathan Shaw:—national standards so that there are clear criteria, because it is quite open and wide now, is it not, in terms of its interpretation? We need a clearer definition as to what "universal" actually means. It is not everything to everyone. It is a specific thing.

Ms Lindley: It is more what "targeted" means effectively, is it not?

Q291 Jonathan Shaw: Wider targeting; new targeting.

Ms Lindley: Do you want me to redefine it now?

Q292 Jonathan Shaw: No, I do not. That is the challenge. Be realistic: we are not going to have double funding, we are not going to have a bottomless pit of money for these particular services. However much we might save in 15 or 20 years' time that is not going to happen, but what you are saying to the Committee is that what we want are some clear definitions of what families can expect within the communities they live in.

Ms Lindley: I can tell you very quickly about a project that we are currently developing, which is that families will be invited to self-assess in terms of their needs and it will be coupled with some work with several local authorities to be clear about eligibility criteria. If those two were to work in tandem it would combine the respectful approach to working with families with clarity about their entitlement to services. It will be interesting to see whether we can get that off the ground and really get

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something out of that. It is about being constructive in spite of the fact that we might not always appear like that.

Jonathan Shaw: I am just being devil's advocate.

Q293 Chairman: We know what a constructive group of organisations you represent. Does my colleague not have a point in the sense that if you start a policy—because we have just been to British Columbia and compared it—on the basis of one tragedy and you work back, you seem to develop a policy that is focused at stopping even more tragedies rather than what you seem to have been articulating, saying that there is a whole group of people who need support, a broader group, and perhaps in starting your creation of a group of services it is better to look at that focus rather than just panicking about, “Can we stop any more tragic child deaths?”. We certainly picked up a bit of that in British Columbia. How do you feel about that?

Ms Lindley: Clearly the extreme end of any child protection policy is stopping tragic child deaths. Nobody wants to see that, but many more children come into the child protection arena than end up in that extreme category. One needs to look at the broad picture of what is going on in child protection and then we need to look at the broad picture of what is going on before child protection. Can one reduce the numbers coming into the risk of harm category? That is our approach and we know that there are thousands and thousands of families who end up in child protection who have been crying out for support earlier.

Q294 Valerie Davey: I did not go to British Columbia but in my Bristol constituency it is the voluntary sector which in my experience is doing a lot of this preventive, supportive work at an early stage. Do you see the voluntary sector as having an important part in delivering *Every Child Matters*?

Ms Lindley: Yes. There could be terrible confusion because of the lack of clarity of thresholds of when different things happen, particularly the common assessment framework. The Government response has come out very recently about how that is going to be approached, and there is no definition of “threshold” of when a common assessment framework would be provided, so, although there are many voluntary organisations who may be in contact with families, there is going to be no clarity about when a professional should judge that they should or should not start an assessment. We could end up with the big postcode lottery coupled with huge variations in practice between professional groups. At the same time they are a key service, they are there, they are on the ground, they are in the community. People like going to community based services. I think it needs a lot of careful thinking.

Dr Ghaté: Yes, I think the voluntary sector is hugely important in the front-line delivery of an awful lot of our preventive services in particular. What the voluntary sector does less well is the strategic thinking and planning and I think the lead for that has to come from elsewhere.

Q295 Chairman: If we use them who is going to support the voluntary sector and give them the training and the background which you have clearly articulated in order that they play whatever role is seen to be appropriate?

Dr Ghaté: There are a lot of differences in terms of practice amongst the various different providers of family support. I think it is probably true in the statutory sector as well but in the voluntary sector there are clearly degrees to which some agencies are providing a better quality of service than others and that certainly needs to be worked at. Sometimes it is very obvious why: they are extremely under-resourced, they are trying to do too much. They are often picking up the cases that do not quite make it above the threshold for statutory help but whose needs are nevertheless quite far-reaching and difficult to address. The other point about these very heavy end cases, the extreme cases of a child death or whatever, is that these are the most difficult families to help and it does need a different approach for those families. We are increasingly seeing that their needs are so all-encompassing; they have needs in every possible dimension of their lives, and they really need a very seriously integrated, genuinely wrap-around, almost physically wrap-around, service in order to achieve change for them in the long term, but they are not typical of all the families who could use a bit of help and who might do better and whose children might do better if they got a bit of support.

Q296 Valerie Davey: Were they different from day one or, if had there been a very valuable voluntary sector group, if they had got other friends, if other things had happened, they would not have been?

Dr Ghaté: The families?

Valerie Davey: Yes. Is it from day one, from the birth of the first child, that that situation is crucial and different or do they become different as a result of not getting that integrated support?

Dr Ghaté: I suspect it is both, that they already face considerable disadvantages. If you look into the personal history and circumstances of those families very often you find a history of abuse in the parents' childhood and so on. But I think it is made worse by the fact that there are not services that can intervene early enough to stop problems escalating further. It is probably a bit of both, to be honest.

Q297 Valerie Davey: Then, of course, we go back to Victoria and it was not her parents, so here we have got a different family set-up and we are doing an awful lot of work on the basis of that case where we are not talking about parenting at all.

Dr Ghaté: Yes, and that is a danger if we only react to cases that make it into the media, that we get the focus slightly wrong. Clearly there are very important lessons to learn from that case and some of them generalise to practice in other respects. That case is not necessarily representative of all the sorts of families that we are talking about when we talk about families in need or children in need.

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Q298 Valerie Davey: Do you want to add anything, Ms Lindley?

Ms Lindley: Yes, just a couple of things about the use of the terms “parent” and “parenting”. I think we need to be very inclusive about what we mean. Parenting is caring for a child whether you are the direct biological parent or however you come to be in a situation of caring for that child. We need to be very careful to be inclusive. Also, I do think that in the case of Victoria Climbié it is evident that there was not a proper thorough assessment of need at the very early stage, and that is partly what I am talking about. I am not making any more judgement about that but it flags up the need for assessment and identification of need and then a proper plan for services at whatever level of the spectrum we are on.

Q299 Valerie Davey: Coming back specifically if I may to the nature and the need of the parent, does this set of proposals support the parent or regulate the parent? Which side is it on as far as the parent is concerned and which side should it be on?

Ms Lindley: The reality is that it was going to vary according to when it was provided. If one has already reached a point where there is reasonable suspicion that the child is likely to suffer harm we are into section 47 inquiries, child protection. The context in which support is provided once there is a section 47 is basically, “This is what you are being offered and we expect you to take it, and if it does not really do the trick or you do not meet expectations more will flow and your child may end up being removed”. If it is offered one stage back from that, as is intended with the common assessment framework, then the context is completely different. I think I outlined attending a parenting class in my notes which had two completely different flavours to them. One is very supportive and the other one is coercive and undermining to partnership and partnership we know is necessary to protect children who are living at home on the register.

Q300 Valerie Davey: You have done some research on some of this work, I think, and also, how does the parent perceive this? Is the parent going to know that there is a different gradation or are they just going to feel threatened by it?

Dr Ghate: In respect of child protection services?

Q301 Valerie Davey: No, in respect of the recognised need of help at some stage.

Dr Ghate: I think there is not a culture of expecting help with parenting as a right in this country and as a result there is still in the minds of many parents a slight sense of stigma. We have a culture which still tends to say that you should know how to be a parent naturally; it just comes with the birth of your first child, whereas most parents know very well that that is not necessarily true. There is still a sense, I think, for many parents that asking for help may be revealing that you do not feel you are coping or that you are inadequate or deficient in some way. We still need to work on that perception and to keep saying that it is normal to need help. Most parents need help at some point with some issue. To follow that

up we ought to have some access to services where people know that if they have a need they know where to go and they can guarantee that they will get some input. Often it is very low level; it is just a need for a particular piece of information about a particular issue at a particular point in the child's life. Transition points for children's lives often seem to trigger that, for instance, when children move between starting school or going to secondary school and so forth.

Q302 Valerie Davey: We had what we called, I am glad to say, an Oxfam coffee morning and in meeting with other parents what we learned from each other was brilliant. No-one told us but we were a parent support mechanism in that informal way, voluntary in the broadest sense. Should we be encouraging that or do mums not have the time these days?

Dr Ghate: There have been some projects recently developing fairly low level parent support and guidance and information sessions which are attached to schools and which are hosted by schools and facilitated by schools, and the evidence from the evaluation of the pilot was very positive. Schools seem to be a very appropriate place from which to access parents but they will not reach all parents. They do not reach dads as effectively as they reach mothers and they will not reach the families whose children are not attending school or who have very extreme needs. Other approaches will be necessary for those groups but they seem to have been extremely well received and in the parents' own report effective at helping them feel more confident and know where to go for help in their local area should they have need of it. That was a very promising intervention.

Q303 Helen Jones: Bridget, I understand that the organisations that you represent have some concerns about the DfES proposals for information recording and sharing. Would you first of all like to tell us what those concerns are and what changes you would like to see?

Ms Lindley: The starting point is that anything that will facilitate sharing of relevant information where appropriate permissions have been given is to be welcomed, obviously, because it leads to greater efficiency, but (I am afraid there are some “buts”) we are aware that it is not likely to be a national database and I think probably the most vulnerable families are in that transient population that may move quite frequently, in which case a local based database is not going to be any help at all in terms of sharing information. Unless somebody has been able to track exactly which authorities that family has been in that is not going to be very helpful, so I think it is national or nothing.

Q304 Jonathan Shaw: They are not likely to leave a message, are they, at social services?

Ms Lindley: The second point is that there is a huge danger that the information that it contains will not be kept up to date. We have concerns about who is going to keep it up to date and it could become very misleading very quickly unless information is kept

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up to date. The third thing is around the Data Protection Act. If partnership, going back to the earlier discussion, is really going to be a core part of the policy in order to really engage parents because they are the main carers for children, there has to be a strong presumption that parents' consent will be asked for unless the section 47 threshold has been met, which raises the question of what happens with the logging, flagging, whatever one calls it, for cause for concern. As you know, it is not defined, nor is it linked to any duty in the Children Act to provide any services, so there is a danger that it is going to be free-floating, not necessarily a trigger to anyone to do anything but will nevertheless create a sort of professionals' comfort zone that they have done something, but nobody else has necessarily picked it up, at the same time as undermining the family's trust in the system because things are going on behind their back and things are logged and they are not quite sure why and what is going to happen. There are huge dangers and, being a lawyer by training, I put it all in the scales and see which way it tips and I am afraid it seems to tip against the massive investment that is involved to set it up in favour of other things. I am afraid therefore that the message, not just from our three organisations but at least 30 others who came to a seminar that we had last week to discuss this, all said very definitely that they would not support it and if it did go ahead then the cause for concern bit must be defined and must be linked into existing child care legislation because otherwise it is just operating on its own and it does not necessarily lead to service provision in any way at all.

Q305 Helen Jones: That is very helpful, but there is a tension in all of this, is there not, between getting permission, getting things sent from parents, and the problems of families where there is cause for concern about the children who are the least likely to give consent to that information and share it. How are you going to resolve that because all of us, everyone who has worked in any social policy or legal area, is well aware of a small minority of families who hide things? That is the area where the most damage is likely to result to children, so how are we going to resolve that tension?

Ms Lindley: Whenever we have tried to think about this in our discussions we have tried to find cases where there is cause for concern that addresses that issue where things may be hidden or there is a worry about asking for consent to disclosure that does not meet the section 47 threshold of suspicion of harm. We cannot find any where you will be saying, "No, we have not hit section 47. We do not suspect harm but we are too worried to ask for consent". This is a question to you. Can you describe the kind of case to me that would not have hit section 47? If you cannot then I think it is fair enough to say that there is a presumption that you ask for consent unless you suspect harm, in which case it is taken out of their hands anyway.

Helen Jones: Generally we do not answer the questions from this side of the table.

Chairman: But it was a good question.

Q306 Helen Jones: Let me describe one to you. We have already objects set up to try to divert young people who may be at risk of getting involved with the criminal justice system, for example. It may well be, and we are theorising here, that some of those young people come from a home background which leads them into trouble. It is not harm but it could lead to harm in the future. Do either of you have suggestions for how we would deal with something like that which clearly would be a cause for concern if you were looking at those young people?

Dr Ghate: This is not particularly my area and I think there are colleagues coming later who know relatively more about this. My sense is that it is already happening in any case from the work that we do on youth justice issues; from the research we have done on young offenders and young people at risk of offending. My sense is that the worst possible thing that can happen is that yet another system will be introduced half-heartedly and it will become then yet another way of assessing, recording, tracking and so forth alongside the various other things which areas and agencies are using. My experience as a researcher for many years now is that record keeping is appalling in most agencies, though it is worse in some than in others. Even in agencies where they have had for quite a long time computerised record keeping and clear instructions about what they should be doing, when you actually go through the information that should be recorded it is not there or it is out of date or it is missing. This new system is only going to work if it is really given a lot of support and a push from behind. To introduce it half-heartedly and see how it goes I think is a recipe for disaster.

Helen Jones: I think I would agree. Speaking as somebody who once wrote to the health visitors to tell them I was moving and they took absolutely no notice until they turned up on my doorstep a couple of years later and said, "We have got no record of this child", I can quite see that. What happened in the trailblazer areas? Did we learn any lessons from those about how valuable the databases were, whether they could be used properly and whether they led to improvements in services, because that is the key, is it not? Are they going to lead to improvements in the delivery of services where they are needed for all children and particularly for the most vulnerable children?

Q307 Chairman: I think we have got the evaluator of the trailblazers coming in the next session. Deborah Ghate, do not hold back if you want to answer that.

Dr Ghate: I was going to say it is probably worth looking at what happened in the youth justice system with the introduction of things like Asset, which I think did improve record keeping to some extent. I do not think they completely solved all the problems but it has been relatively easier to find out what is happening to particular children in the system as a result of those having been introduced, but again it is very patchy.

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Q308 Helen Jones: What would you say to us as a Committee? Would you want to get rid of the information sharing arrangements altogether, would you argue that resources would be best used elsewhere or would you simply want to modify them?

Dr Ghate: As a researcher I have to say that I think it is critical that we have a good system and there is a lot of evidence that children do fall through the cracks if we do not have it, and it is exactly the children who most need help who somehow do not appear on anybody's system. I think the problem is that ideas are introduced and then watered down and watered down in response to a whole set of concerns and then we get some hybrid that really does not fulfil any need.

Q309 Chairman: I get the feeling from the evidence we have taken so far that on the one hand out of the Victoria Climbié inquiry there is the view that you have got to have a totally new, all-encompassing system that replaces what we have got rather than very good discrete services across the patch. It does seem to me that there is a bit of Laming, when we interviewed him, that wanted this big new system that every child was on, whereas, as I have heard you giving answers, there are lots of policies that support children that are new. In some areas it is SureStart, in others it is the new right to nursery education. There are an awful lot of services that are being provided for children that are discrete services and we want all of those to be of high quality and value. Is it some sort of looking for something too ambitious to have an all-embracing system or service?

Dr Ghate: At this point in time it may be very ambitious considering that we are still working at getting agencies to work together across more basic functions. If the proposals in *Every Child Matters* are implemented and carried forward and in a few years' time we see much more effective integrated working through children's trusts, for example, then I would say the ground may be more fertile for developing shared information systems, for example, but I think probably we are trying to do everything simultaneously and my hunch would be that that is relatively more difficult.

Q310 Helen Jones: My last question is about this business of correcting information in one sense when the children are very young, but what happens with older children if parents and children disagree about the nature of the information that is held on them? We understand what you are telling us, Bridget, about the need to involve families but there are occasions when there are disputes within families about what is correct and what is not. How would you deal with situations like that?

Ms Lindley: It is the age-old problem of almost Gillick-competent children and Gillick-competent children, and I think probably once Gillick competence is clear then the child is going to be the main informant. Nevertheless, the parents do have parental responsibility and if there are big issues I think perhaps it is something that needs to be

assessed as to why the parents and the child are disagreeing and it is an issue that should not just be swept under the carpet. What is a bit less clear is when children are not quite Gillick-competent but are giving other messages and that can happen really quite young. It is another tricky problem if professionals are going to spend hours trying to resolve who is the main informant for the information that goes on the database and time is not spent assessing the need of the family.

Q311 Helen Jones: But it is one they have to resolve in many other areas, is it not? In mental health, for instance, there is quite often a tension between what the client, who in this case is the person with the mental health problem, and what their carers and family want. It has to be resolved by deciding who the main client is. It is much more difficult in the situation you are talking about but surely it is a key to getting this right.

Ms Lindley: Are you talking about the database? I am sorry; I am a bit unclear.

Q312 Helen Jones: For example, general decisions in mental health are quite common on how someone should be dealt with, whether they should be in hospital, whether they should be in the community and quite frequently you find different points of view. That is true within families too, is it not? You are talking about how to resolve this but it is quite difficult to decide in this case who the client is. Is that the child or the family?

Ms Lindley: I think we are moving away from the discussion around the database to assessment generally and how one identifies a child's needs.

Q313 Helen Jones: No. It comes back to the database. If parents and the children are giving different information or have different views on the information which is on the database how would you resolve that tension?

Ms Lindley: As I understand the database it is a directory of information about agencies that are involved with the family and basic details about people who have parental responsibility and it is flagging up a cause for concern but not holding any case data. Those are the latest proposals that I think are coming out of DfES. I may be wrong but I think that is right, so I think the issues you are talking about are much more around assessment and it begs the need for a really thorough assessment according to the assessment framework which already exists.

Q314 Chairman: Just to push you a little bit further down the road of information sharing, coming out of this tragedy and the Laming inquiry was there not a strong recommendation that ran right through that, that it is not a better information; it is a high quality group of people working across departments, talking to each other, particularly social work departments and people in the health sector? We have talked informally, although he has not given formal evidence to this Committee to the Children's Health Commissioner. He is still very worried and concerned about how much quality of

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information will be shared under the new arrangements between the health sector and other sectors. Do you share that concern?

Dr Ghate: Worried in what sense?

Q315 Chairman: Concerned that there is every sign that there is a deep reluctance of professionals in the health sector to share the information that they have.

Dr Ghate: Yes. I think one comes across that in many different ways and there is a reluctance on their side. On the other side social services staff are often very poor at keeping records at all. One does not even get to the question of whether they should share the information with anybody.

Q316 Jonathan Shaw: That is a sweeping statement, is it not—social services are very poor at keeping records at all?

Dr Ghate: I think they can be.

Q317 Jonathan Shaw: Some social service departments in some cases have poor record-keeping. That is a bit more accurate, is it not, rather than condemning the whole lot?

Dr Ghate: That is not what I am saying.

Jonathan Shaw: You did.

Chairman: Jonathan is a former social worker.

Q318 Jonathan Shaw: You would not want to make sweeping statements as a highly regarded researcher who looks at information and detail, would you?

Dr Ghate: Absolutely not.

Jonathan Shaw: I thought not.

Q319 Chairman: Bridget, do you want to come in?

Ms Lindley: Just to say around the issue of health professionals being worried about how much information will be shared, I think it goes back to the point about the consent of the person whose information it is. If that issue is not such a hot potato in the sense that consent has been asked for then there will not be the fear, and if the consent has not been asked for then it must be a section 47. Then it is clear because the threshold is there. I do not see it as such a problem if there was a presumption of getting parental consent, or the child's consent if they are Gillick-competent, as part and parcel of the information sharing process if it does go ahead. I also understand that the database index, or whatever the latest term for it is, does not hold case information, so there is perhaps an excessive worry about what they might have to share about the database which does not really exist. What it means is that this professional is willing to be rung; that is the latest that we have heard. It does not record the case information on the database. What they then divulge will depend on whether or not we are into child protection because those are the basic medical codes of practice.

Chairman: Okay; I think you have put our minds at rest. Can I thank Bridget and Deborah very much for the information you have given orally and in writing but will you stay in touch with the Committee because as we are continuing this inquiry and writing it up we are going to need your help and assistance? Thank you very much.

Memorandum submitted by the Information Commissioner

INFORMATION SHARING DATABASES IN CHILDREN'S SERVICES: CONSULTATION ON RECORDING PRACTITIONER DETAILS FOR POTENTIALLY SENSITIVE SERVICES AND RECORDING CONCERN ABOUT A CHILD OR YOUNG PERSON

INTRODUCTION

1. The Information Commissioner is responding to this consultation as the regulator for the Data Protection Act 1998, Freedom of Information Act 2000, and subordinate legislation.

2. He does not require this response to be kept confidential

SUMMARY

3. The Information Commissioner welcomes the Government's moves to address issues raised during the passage of the Children Bill through Parliament in respect of the need to restrict access to certain contact details on the proposed children databases. However, the Commissioner is concerned that:

4.

- the proposed access options may not totally address privacy concerns children and parents might have, and could be operationally difficult to implement;
- the consultation proposals in respect of the use of "cause for concern" indicators could lead to excessive information being held; and
- he has continuing concerns about the difficulties in keeping the databases secure and up to date.

5. The databases as originally envisaged by the Government are ones in which the contact details of all child care practitioners with an interest in a specific child are entered on a database. Any practitioner who has an interest in that child can access all of these contacts. That is, in terms of this consultation, option 1 in conjunction with option A.

6. The aims of such universal databases are to allow practitioners to:

- identify quickly a child with whom they have contact;
- identify whether that child is getting the universal services (education, primary health care) to which he or she is entitled; and
- identify needs earlier and take earlier and more effective action to address them by enabling them to identify who else is involved with or has a concern about a child.

7. However, as recognised, such databases can lead to sensitive personal data relating to children being accessible to a wide range of practitioners who might not need such access. Therefore a child's fears about privacy might deter or delay them from accessing vital services. The databases as originally envisaged in effect remove professional judgement and consent from decisions as to who can have access to specific and sensitive contact information.

8. The options presented by the Government in this consultation restrict by various means the contact information which actually goes on the databases, and also restricts those who can access such information.

9. The Government's preferred option is option 2 in conjunction with a mixture of options A, B and C. That is, for contact information to be placed on the database if the child or their parent consents, or if the practitioner judges it in the best interests of the child to have their contact details on the database. Certain targeted and specialist practitioners would then have access to all the contact information on the database, but only essential practitioners would have access to contact information relating to contacts in the area of sexual health.

10. In theory this seems reasonable, adding back an element of professional judgement and consent into the process. However there are problems in that:

- administering what may be multiple consent options across many organisations (which can be changed at any time) will be operationally complex;
- it may well be difficult to explain to children and their parents the implications of what they are consenting to;
- consent might not be straight forward to obtain when children disagree with parents, and may need to be checked regularly;
- it is difficult to see the benefits for practitioners from the databases containing contact information on the basis of consent; and
- in restricting information on the databases and access to this information it has to be a concern that the databases will not meet the intended aims.

11. Given that the Government has moved from the idea of a universal database open to all practitioners, there is an alternative which would seem to address the privacy issues. This is to restrict the database to only those children about whom concerns have been expressed; ie option 2 (without the consent element) in conjunction with Option A. Such a database would:

- allow practitioners to register their interest in a child about whom they have concerns, and allow them to identify others who have a concern;
- the privacy of the child is respected as contact information is only shared if a practitioner judges it to be in the interests of the child;
- the administrative burden of setting up and maintaining a universal database of 11 million children is removed; and
- the need for flags of concern would be removed.

12. However, if the database is not to be so targeted and flags of concern are to be included, the Information Commissioner does have concerns about the preferred options stated in the consultation as to how the flags are to work.

- The Commissioner is not convinced that three different flags all with the same resulting action are justified. If flags are to be used and are simply to indicate that that practitioner wishes to be contacted by other practitioners in contact with a child, then one flag is surely all that is required?
- The Commissioner also does not consider that closed concern flags should be retained on the system even for a short time. It serves no purpose.
- There needs to be clear and agreed standards as to what circumstances will trigger a flag, as professional judgement may well be highly variable and would lead to inconsistencies.

13. In respect of security, the Information Commissioner notes the commitment to security given within the consultation document. However access to potentially very powerful databases will have to be carefully managed across multiple professions and organisations to ensure security. This will be extremely challenging, but is essential. The Information Commissioner is disturbed—and is not at all reassured—that reliance on a mother’s maiden name should even be contemplated as a safeguard.

14. Keeping the information up-to-date will be equally—perhaps more—difficult. The Commissioner notes the intention to build on the experience of the Pilots and ensure that practitioners keep their records up to date. But doing so will take up resources and does nothing to tackle the fact that children and their parents might not themselves up-date practitioners they are involved with as to changes of address and other circumstances. For example a family moves house and remains registered with the same GP but does not notify him of the change. In practice then it might be difficult to ensure records are accurate and up-to date.

15. Breaches of security and failures to keep records up to date could impact severely on individuals. They could quickly undermine the confidence of both professionals and the public in these arrangements and bring them into disrepute. They will also represent failures to comply with the provisions of the Data Protection Act. If these occur, and people are adversely affected, the Information Commissioner would actively have to consider enforcement action against the responsible bodies, to seek to ensure future compliance with the Act.

ANALYSIS OF OPTIONS

How practitioners working in children’s services which may be regarded as sensitive, should record their involvement on the database with a child or young person.

Option 1—details of all practitioners will be placed on the database and will be available to all.

16. This option, in conjunction with Option A (that information would be visible to all users that are able to access that child’s record), is essentially the universal databases as originally envisaged by the Government. As recognised by the Government this could lead to sensitive personal data about children being available to practitioners who do not need it, and in consequence, to children being deterred from accessing vital services because of concerns about privacy.

17. Option 1 in conjunction with Option B restricts those practitioners who can access the contact information to those deemed by regulations to be “essential”. Such an approach still leaves open the possibility that practitioners may have access to information about children where such access is not strictly necessary. And hence fears that a child might have about their privacy may not necessarily be removed. It also does not allow “non-essential” practitioners to identify quickly who else is involved with, or has a concern about, a child. Two of the three stated aims for the databases do not therefore seem to be met.

18. Option 1 in conjunction with Option C allows access to essential practitioners and also to those specified by the child or their parent. So that when a child first comes into contact with a service, the practitioner will ask for consent to allow other specified practitioners (either now or in the future) access to details of his contact with the child.

19. In general the Information Commissioner welcomes the use of consent when questions arise as to whether or not information can be shared. But in this case he is unsure as to the value of having contacts on the database on the basis of consent. In effect the child or their parent will, as now, be advising practitioners as to what services they are already accessing. That is if they want to. And there will be an operational impact. Children and their parents will have to be advised as to what they are consenting to, any consent given has to be recorded accurately on both the practitioner’s system and on the database and be acted upon, and the systems also have to cope with the removal of consent at any time.

20. Additionally consent cannot be assumed to be open ended. The parent of a 10 year old child might consent to a particular contact being accessible on the database but at the age of 16 the child might not. Mechanisms will need to be in place to check that consent is still on-going at various intervals.

21. There may also be conflict between parents and children as to whether or not consent is given. And whether the views of the parent or the child win will depend on the age of the child, and the particular circumstances of each case. Obviously in most cases the child will acquiesce to the parent’s wishes but practitioners will need to be alive to the possibility that in some cases there may be conflict and professional judgement will have to be used. Consent might not therefore be straight forward.

Option 2—details of practitioners are placed on the database if the child/carer consents or if it is in the professional judgement of the practitioner that the details should be on the database irrespective of any consent.

22. This option puts professional judgement back into decisions relating to the disclosure of information about contacts to other practitioners. Options B and C (in conjunction with option 2) limit the access to this information:

- in option B to only essential practitioners; and
- in option C to essential practitioners and to those specified by the child or their parents.

23. Considering option B first; in theory it does seem sensible to only allow access to contact details where the child or their parent agree or where the professional judgement is such that it is in the best interests of the child to do so. However, in practice, implementation of multiple consent options may well be difficult, and would, as recognised in the consultation paper, be likely to exclude the most vulnerable children. Those who do not want to cooperate with practitioners, or who distrust practitioners, will not consent to disclosures of their contacts.

24. Operationally what seems to be envisaged is that on first contact with a service the practitioner will seek consent for adding their contact onto the database. In doing so the practitioner will have to advise the child and their parents as to the purpose of the database, who might have access to information on it (either now or in the future), and of the fact that, if circumstances warrant, the practitioner will place the contact details on the database anyway.

25. Mechanisms will need to be in place to act on the withdrawal of consent, to make sure consent is still valid at regular intervals, and to help practitioners make decisions on consent where the child and parent disagrees.

26. Complicating the position further, under option C the practitioner will also seek consent for any contact details actually placed in the database to be accessible to specified practitioners, again either now or in the future. It may be that if children and parents are provided with complicated consent options they do not fully understand, they actually withhold consent in cases where they have no actual concerns.

27. On top of this the concerns about consent referred to above in respect of option 1C will also apply here.

28. In general therefore whilst variations of option 2 do re-introduce professional judgement and consent back into the process, the Information Commissioner finds it difficult to identify the benefits for practitioners from allowing access to the database on the basis of consent, and he is concerned that operationally the seeking of and acting upon consent will not be straight forward.

29. These problems, and any privacy concerns, are removed however if the databases are solely targeted at those children about whom the practitioners have concerns. That is when the practitioner judges it in the best interests of the child to make available his contact details with the child to other practitioners.

30. The database would then consist solely of children about whom a particular practitioner has concerns. So when a practitioner is involved with a child and considers that it is in the best interests of the child for other practitioners to know about his involvement, he registers the child's details on the database along with his contact details. Other practitioners who become, involved with the child and have similar concerns will themselves access the database to register their contact, and in the process view any other contacts. They will then be able to talk to each other about the child.

31. Such a database would not identify those children who were not in contact with the universal services of education and health, but does allow practitioners to register concerns and allow those who share those concerns to identify each other if they have not already done so by other means. In the process any privacy fears for children are removed and the administrative burden of setting up and maintaining a database of 11 million children is removed. And additionally there is no need for flags of concern to trigger the sharing of information as it is only children about whom there are concerns who are placed on the database.

Option 3—details of practitioners would not be placed on the database.

32. This option would essentially make the database a means of ensuring that children are getting the universal services of education and health and would remove two of the three aims for the databases as stated by the Government above, that is to allow practitioners:

- identify quickly a child with whom they have contact; and
- identify needs earlier and take earlier and more effective action to address them by enabling them to identify who else is involved with or has a concern about a child.

33. Given this the Information Commissioner would be concerned that the database might not be justified in terms of compliance with Article 8 of the European Convention on Human Rights, and refers here to the report on the Children Bill by the Joint Committee on Human Rights and the statement that:

We are concerned that, if the justification for information-sharing about children is that it is always proportionate where the purpose is to identify children who need child welfare services, there is no meaningful content left to a child's Article 8 right to privacy and confidentiality in their personal information.²⁹

34. It is worth noting that if this option was to be implemented there would seem no justification for the keeping of information on children who are not of compulsory school age. Such children if not in contact with the medical services would not appear on the database at all, and even when children were in contact with medical services if not of compulsory school age holding this information would serve no purpose at all.

²⁹ Para 113 HL Paper 161, HC Paper 537.

HOW AND WHEN PRACTITIONERS SHOULD RECORD ON THE DATABASES THAT THEY HAVE A CONCERN ABOUT A CHILD OR YOUNG PERSON

Three coded flags

35. The Government is proposing that a practitioner in contact with a child will be able to put flags of concern on the database against their contact details in three circumstances:

- where they have important information about a child's needs or situation which other practitioners need to know about;
- if prospective intervention proposed by other practitioners should be discussed with the practitioner first because of information he holds or action he is already taking or is about to take; or
- because the practitioner has completed an assessment and is prepared to discuss that sharing that assessment with other practitioners.

36. The Government envisages three coded flags, for "information", "action" and "assessment".

37. There does not seem to be any practical purpose behind having three flags. In all cases if a practitioner has contact with a child, checks the database and notes a flag, they are expected to contact the practitioner who has placed the flag on the database. It therefore seems unnecessary to have different flags as the resulting action is the same.

Threshold for concern

38. The Information Commissioner notes the views of the Government that there should not be a threshold for the flags. The Government wishes to rely on professional judgement alone in deciding whether or not the criteria for placing a flag (detailed above) are met. However the Information Commissioner has grave concerns that without some agreement as to what is important information another practitioner needs to know, or when prospective action by other practitioners might need to be discussed, different practitioners will use differing standards and inconsistencies of approach will inevitably creep in; between different practitioners, professions and local authority areas. And given that information will be transferred between different local authority areas, different standards for triggering a flag of concern will cause difficulties for the new authority in assessing whether previous causes for concern should be actioned.

39. The Information Commissioner considers therefore that for flags to be meaningful there needs to be some form of standard setting.

Retention of closed concern flags

40. The Information Commissioner cannot see any justification for keeping a closed concern flag on the database, just in case the problem re-occurs. If a problem re-occurs and a practitioner wants other practitioners to contact them they simply flag up another concern.

Substitution for action

41. It remains a concern of the Information Commissioner that placing a flag of concern on the database will be seen as a substitute for action. It potentially removes the responsibility from the practitioner who is initially concerned from actively checking whether other practitioners have similar concerns.

Memorandum submitted by Dr Eileen Munro

SUMMARY

The Children Act 2004 provides the legal framework for setting up a database on all children in England and Wales on which professionals will log their contact with a child and enter a "flag of concern" if they have any concerns about a child's health or development. The laudable aims are to improve the assessment of need and facilitate the provision of effective help at an early stage. However, this proposed database and the associated procedures for professionals on sharing information are based on a misguided interpretation of the problems in children's services. On balance, the database is likely to do more harm than good because it will absorb substantial money and professional time, while distracting attention away from the more fundamental problems of improving the skills of the workforce.

1. Extending "child protection" services to all aspects of children's health and development without a substantial increase in funding will reduce the level of protection given to children who are the victims of abuse and neglect.

2. Failures in communication in cases of child abuse or neglect are due to shortcomings in professionals' skills, knowledge, and resources, not to legal or technical obstacles to sharing information.

3. The proposed policy includes the power to breach confidentiality about low level concerns and concerns unrelated to abusive parenting and this will be detrimental to relationships with families.

4. The database is a method of screening for low level concerns but does not meet the necessary criteria to justify its introduction.

1. Extending “child protection” services to all aspects of children’s health and development without a substantial increase in funding will reduce the level of protection given to children who are the victims of abuse and neglect

The Government has extended the concept of child protection to mean protecting children from any risk to their development and safety. I wholeheartedly support the aim of helping all children to fulfil their potential but the proposed changes to children’s services amount to a massive extension to professionals’ remit. There is no commensurate increase in resources planned and so this must have a harmful impact on services to children who are being abused or neglected. Indeed, Margaret Hodge, the Minister for Children, has expressly stated that she wishes to see a shift in emphasis towards early intervention and prevention. This logically implies a shift *away* from the current emphasis on protecting children at risk of significant harm from abuse or neglect.

I am also concerned that extending the concepts of “child protection” and “children at risk” to all aspects of children’s welfare obscures the unique issues in investigating concerns about abuse and neglect. As many critics have pointed out, the current preoccupation with issues of child abuse is having a detrimental impact on the assessment of a child’s general well-being. However, the solution is not to merge abuse with all other problems. A child “in need of protection from abuse” is not the same as a child in need of any other service. Most parents are loving and more concerned about their child’s welfare than any professional. Therefore, when working with them, professionals show respect and treat them as valuable experts on their child. However, when a suspicion of abuse is triggered, for whatever reason, professionals need to take a different mindset in interpreting the information they have and they need to take a more critical, confrontational, challenging attitude in talking to the parents. To improve the assessment of need as well as the assessment of risk of significant harm from abuse, we need to ensure that professionals have the skills to do both types of assessment and have the resources to respond to identified needs.

At present, professionals only alert others without the family’s consent when they have a concern about abuse or neglect. Extending the practice to include flags of concern about any aspect of a child’s health or development will lead to a vast increase in the amount of data being shared. There is a real danger that concerns about significant harm will be overlooked in this mountain of data.

2. Failures in communication in cases of child abuse or neglect are due to shortcomings in professionals’ skills, knowledge, and resources, not to legal or technical obstacles to sharing information

The proposed policy grossly overestimates the part played by the technical and legal aspects of information sharing in the complex problems of improving assessment of need and provision of effective help to children.

In relation to protecting children from abuse or neglect, the importance of good communication between professionals and the need to share information without consent has been recognised since the 1970s. As a result, an excellent, well-established set of guidelines has been developed for working together. When this system fails, as it did in the case of Victoria Climbié, the common causes are:

- (a) The professional with significant information did not recognise it as a sign of possible abuse or neglect and, so, saw no need to share it.
- (b) The professional with information thought it was a cause for concern but of such a low level that it would be dismissed by other agencies whose resource constraints led to high thresholds for action.
- (c) The professional tried to share the information but the other professional failed to give it the same meaning. This is particularly common when dealing with interpretations of family life and when the new information conflicts with the professional’s existing assessment of the family.

Improving communication can best be achieved by improving professionals’ knowledge and skills in relation to identifying abuse and neglect, eg a recurrent criticism in child abuse inquiries is that no-one talked to the alleged victim but doing so requires considerable expertise and was not done in the case of Victoria Climbié because the relevant worker felt inadequately trained to interview her.

3. The proposed policy includes the power to breach confidentiality about low level concerns and concerns unrelated to abusive parenting and this will be detrimental to relationships with families

The Children Act 2004 allows for information to be shared without the consent of the parents or children. The Minister for Children has said that she does not want professionals to have any discretion in logging their contact with a child or a flag of concern on the database. Her examples have all involved professionals then discussing their concerns without reference to the family.

The arguments for confidentiality are both legal and therapeutic.

Legally, a right to privacy is enshrined in human rights legislation and the Data Protection Act. At present, professionals only breach confidentiality if they consider there is a risk of harm to a child. Removing confidentiality in cases where there are non-abusive parents and minor concerns about a child is going to be vulnerable to legal challenge.

Therapeutically, it is well established that people are inhibited in revealing their problems if they think the information will be shared without their consent. There is already evidence that mothers are concealing postnatal depression from health visitors because they are afraid of what will be done with the information. If it becomes generally known that any contact with a professional may be shared with other professionals in your life, the impact on people's willingness to seek help will be substantial.

Research with children shows that they care strongly about who has access to information about them.

4. The database is a method of screening for low level concerns but does not meet the necessary criteria to justify its introduction

In medicine, there are three core criteria to consider when deciding whether to introduce a screening measure and none of them are met in relation to the proposed database.

- (a) There should be an acceptable level of false positives and false negatives, ie of children inaccurately categorised.

All research evidence on the development of problems shows that our predictive ability is very limited. A beguiling picture of predictability is given by looking at adults with serious problems and seeing how many of them had shown lower level problems in the past. However, to establish the accuracy of predictions, we need to know the base rates for those low level problems, ie how many children displayed them. We then find that most of them did not go on to develop serious problems.

In relation to the proposed database, we are not in a position to even begin to estimate accuracy because so many of the key concepts have yet to be defined, eg what is a "cause for concern", what level of agreement is there between professionals in judging whether some factor is a cause for concern?

- (b) The problem can be usefully treated.

The proposed database and information sharing system is apparently intended to deal with ALL problems in children's health and development. Therefore, there can be no single answer to whether problems are soluble. However, the overwhelming lesson from evaluative research of a range of social, psychological, and psychiatric services is that they have, at best, only modest success so we should be equally modest in our claims to be able to change family functioning for the better.

Moreover, there is no persuasive case for claiming that breaching confidentiality will improve assessment and response to need. There is ample evidence that families are ASKING for help and being turned away.

- (c) The test itself does not carry any unwarrantable risks.

The risks of this information sharing system are manifold:

1. It will be expensive and absorb money and time that could be better spent on developing the skills and knowledge of the workforce.
2. It will have an adverse impact on relationships between families and professionals when the former learn the extent to which their privacy is being invaded.
3. The security of the information cannot be guaranteed. Information will inevitably need to be available to a vast number of professionals and there will be some among them who use it maliciously.
4. Merging children at risk of significant harm from abuse or neglect with all other children's problems obscures the special difficulties of identifying them and the specialist skills and knowledge needed to investigate a concern about abuse.
5. Introducing such a mechanised system to services that are understaffed may lead to some workers entering a flag of concern on the database INSTEAD OF doing something about it themselves.

Witnesses: **Professor Hedy Cleaver**, Professorial Research Fellow, Royal Holloway University of London, **Mr Richard Thomas**, Information Commissioner, and **Dr Eileen Munro**, Reader in Social Policy, London School of Economics, examined.

Q320 Chairman: Thank you very much for coming to meet the Committee. Richard Thomas, you have a reputation for being a tough commissioner. Everyone says, “that’s a pretty tough guy, pretty robust; he does not mince his words”. Would this be a good description of your attitude to the information aspects of the Children Act?

Mr Thomas: I have a reputation for supporting plain English if nothing else! As Commissioner, I am responsible for the Data Protection Act and the Freedom of Information Act. In this area, as Commissioner, my main concern focuses on the databases that are being proposed to contain information on every child and young person in this country. I want to start by making absolutely clear that I yield to nobody in my concern about children at risk from harm. I would welcome any attempt, whether legislation, guidance, or practical arrangements, to improve the sharing of information amongst professionals about their involvement with a child whose health and safety needs protection. That has to be my starting point. I do have some concerns to share with the Committee about the proposal for a network of databases. I put in a fairly lengthy written submission to the Committee, and in the last week or so we have shared with the Committee our response to the DfES consultation paper on this subject of October 2004. I think the proposed databases raise what I see as four key but interrelated issues, all of which have data protection implications. First, which children are we talking about; secondly, how much information about each child; thirdly, who should have access to that information; and fourthly, what are the operational aspects? How will the information be kept accurate and up to date, and how securely will the information be held? I would be very happy to elaborate to the Committee, both in relation to the overall scheme of the 2004 Act, as enacted, the more detailed proposals recently put forward by the DfES, which are welcome as a step in addressing the issues, but I continue to have very serious concerns about the latest proposals coming from the DfES, and I have some alternate ideas to share with the Committee this afternoon.

Q321 Chairman: Hedy Cleaver, you have been looking at the Pathfinders and evaluating them. These are the authorities that have had £1 million to spend on the pathfinder. You have also looked at some of the others, the 100,000.

Professor Cleaver: You are quite right that I was responsible for the Trailblazers, as they are called. That is the research that I have just completed and which is now published. I would like to start by saying that I thought it was a very interesting way of the Government exploring how information-sharing could be supported and improved, because normally the research that we do is on policies or new procedures, where often Government people, academics and some practitioners get together and work something out and it is then trialled. This notion of trailblazing was very interesting and

innovative because it allowed local authorities—and it was well funded—to try things out. Having said that, and thinking of summing up the key issues about databases that came from the research on the trailblazers, they did have concerns about databases. The key concerns were whether the system was going to be secure; how they could get practitioners to use them; and how they would monitor them. Six of the ten trailblazers went the route of having very minimal information on these databases. The more complicated they get, and the more information put on, i.e., flags of concern, or even the names of the agencies working with the child, you will have difficulties because agencies like CAMHS or the Brook Clinic signal more information than you need, and those are the agencies that do not want themselves to be put on. If you go that route you will get into all sorts of complications. The research would suggest the simpler the better, and that you would have a lead professional whose name should be on there, and they would encourage information-sharing by passing on information and keeping the chronology. If you have a very complicated system, not only will you have problems with making sure that everybody can use it—are those using the system Criminal Records Bureau checked and all sorts of difficulties like that—but you may also have the exact opposite of what the Government wants, which is not an increase of information-sharing but a decrease in agencies talking to each other, simply because the practitioners can simply add information about a child or read some information about a child which may result in them not bothering to talk, communicate or meet with those people.

Dr Munro: I have given in evidence my concerns. The two main points are that in endeavouring to build up preventive services, which I wholeheartedly support, if we do not provide adequate funding, then local authorities will have to take it away from dealing with child abuse cases because they have a finite budget. I am also concerned at the way that problems with children’s services get discussed; it is as if child abuse were just another need like any other, and I do not think it is. For the worker in dealing with the family, it requires a complete change of mindset towards a more suspicious, challenging attitude. The good worker needs to be able to move from both that narrow, suspicious focus on abuse to the broader mindset of discovering the child’s needs and the broader social setting. They are different processes and different types of assessment, and they should not be merged because then we would be losing the lessons that we have developed so painfully over the 1970s and 1980s of how to deal with child abuse. My second major concern is that in talking about information-sharing as being a crucial aspect in good work, people are misunderstanding the mistakes that have been made in the child protection cases. In the case of Victoria Climbié there was no shortage of information but there was a shortage of wisdom of how to understand that information. Giving those workers even more information would make them less competent than they were. It is not the answer; it is about improving the workforce.

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Chairman: We are learning some lessons about that in the evidence we have taken already. We were quite astounded in one area that we looked at, at the number of children taken into care, which had shot up after the Climbié case out of all proportion, so there can be a total over-reaction to that sort of investigation as well.

Q322 Paul Holmes: Professor Cleaver, obviously it is very early days with the information-sharing assessment systems that have been introduced so far, but you have done an initial study of the process of setting those up. Are there any indications from what you have seen so far that these systems will improve, or are improving the links between different practitioners?

Professor Cleaver: Definitely the setting-up of systems is improving the link—whether the outcome would in terms of the database is not possible to say yet—but the trailblazers have worked enormously on trying to improve inter-agency collaboration, understanding each other's roles and responsibilities and getting people together. It has to be a continuous, ongoing process; but the process itself has been very valuable.

Q323 Paul Holmes: Relating to what Dr Munro has said about the Climbié inquiry, that it was not a lack of information but a lack of wisdom about how to use the information, the whole point of the information-sharing system is to get practitioners working in different areas—police, health and social services—to know that there are concerns that other people have. Do you think it will work in that sense?

Professor Cleaver: I think there is an awful lot of training needed, both within and between agencies. On another piece of research that I was doing, which is based in social services, looking at the integrated children's system, one of the biggest issues that is coming out there is the difficulty practitioners have in being able to analyse the information they are given—so supporting Eileen, there is an awful lot of information, but understanding what it means is a very difficult task. In social services particularly social workers struggle, partly because the universities do not always address the issue of analysis, but partly because social services are under-staffed and over-worked, and practitioners do not have sufficient support, because again there are difficulties in line management because they are under-staffed. That is where the crux of that might be.

Q324 Paul Holmes: In the Climbié inquiry and in the Matthew Vaudreuil case that we have been looking at in British Columbia, exactly the same thing was found, in two children's cases in two different countries. There had been dozens of different people involved from health and the police and social services, but they did not realise, or did not know, that there had been lots of other visits to hospitals and lots of other people who had been alarmed. The whole point about the information-sharing system is

that you would have a simple flag of concern from the hospital or from the health services, so that a new social worker looking at it would be alerted.

Professor Cleaver: My feeling from the trailblazers study is that it would be better if you had a lead professional who would co-ordinate all that and keep a chronology of events, rather than try and get a system to do it, because you have to make judgments and you have to make sure that people talk together, rather than just putting up the flag and not doing anything about it. My preference would be to have that done by a human-being rather than a computer.

Q325 Paul Holmes: You are indicating that from your initial studies you do not think it will make a big difference in outcomes, although it might help in communication.

Professor Cleaver: If you have a database where you have a lead professional, and you the playgroup leader have a concern and access the database, having talked first with the family and asked their permission to access the database; you access it and find out that there is a lead professional there and you would then talk to the lead professional to find out who else is involved. The lead professional would know that for example the GP has had a concern, and the health visitor has had a concern, and they would then be responsible for making sure something happened, i.e., the person who had rung in with the consent could not then decide that they had done their job and flagged the concern up, which is always my worry about these things, but people have to then carry on their responsibility and maybe a meeting would be called with the parents to work out how best to respond, to get more information and on you go.

Dr Munro: In Victoria Climbié's case it was not a question of them not knowing how many other people had been involved, but not seeing the significance of it. There was no secret about her hospital visits. The Haringey social worker knew about the Brent involvement. It was that the brain cells did not operate.

Q326 Paul Holmes: You both seem to be indicating that all the effort, money and time that has been put into setting up this common system, which raises all the concerns from an information and confidentiality point of view, is perhaps misplaced because it is trying to tackle a problem that is not really the main problem.

Dr Munro: Yes.

Professor Cleaver: I do not think it will stop a Climbié death, but I think it might be helpful to support vulnerable children to make sure that agencies talk more at an earlier stage, but child deaths have remained pretty constant, and we have a problem of knee-jerk reactions and completely revolutionising everything because another child dies. We could have done things better; there are no two ways about it; but I think there will always be children who die, and there will always be children who slip through the net. The most vulnerable are likely to slip through a database net.

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Q327 Chairman: We certainly found that in British Columbia. It was an exact parallel to Victoria Climbié with the Children's Commissioner and the new Act. There were half a dozen tragedies, so it is not a quick fix here. In terms of Richard Thomas's view, it would matter to you if there were a system that cost £1 billion to set up this database, and £1 billion that could have been spent on other things. Richard Thomas and his organisation have very great doubts about having this sort of information on a database. Are we going a long way down the wrong track here if it costs that sort of money?

Dr Munro: I am not sure how it will help very vulnerable children.

Q328 Chairman: But that is why it all started.

Dr Munro: I know!

Mr Thomas: Many of these issues are beyond my competence, but I will answer in more general terms.

Q329 Chairman: A lot of them are beyond the competence of members of this Committee. For many years we have been stuck in the rut of education and skills and this is all new territory for us.

Mr Thomas: I acknowledge that many people do clearly believe that databases are necessary and desirable in this area, but I have to raise questions about what we are trying to achieve in this area. What are the stated objectives? One senses a shifting of goalposts in this area, starting with the original clause 8 of the Children's Bill over a year or so again, which in turn followed from the *Every Child Matters* Green Paper. There were vague statements as to what the databases were intended to do. That was amended as the Bill went through Parliament. We had the Joint Committee on Human Rights commenting on the proposals at that time, and some fairly difficult questions were raised by that Joint Committee. The Bill was amended and we now have what is effectively section 12 of the Act. Since then we have had the consultation paper of October 2004, which I mentioned in my opening statement. That signals to us something of a shift inside DfES, away from what I might call the universal approach. Originally it seemed to be talking in terms of all children, 11 million children, all contacts from professionals where there is, in rather vague language, a cause for concern, and access for all professionals. The consultation paper does mark a very clear shift away from that. It recognises that such an approach may deter access to vital services in some cases. It recognises that it may run the risk of omitting the most vulnerable children. By implication, not explicitly, the DfES paper recognises that the universal approach would indeed involve excessive intrusion into privacy, and ultimately undermine both the confidence of professionals, of the public, and ultimately undermine effectiveness. It goes right back to asking very precisely what we are trying to do here. Are we concerned with protecting vulnerable children who are at risk of abuse of some sort—and we can elaborate what is meant by that—or are we talking more about—picking up the jargon this afternoon—

more about family support and the wider needs of children as articulated in the second part of section 12. The words in section 12 are more concerned with the well-being of the child and the ability of the child to reach their full potential. I have concerns, as the Information Commissioner, responsible for data protection. I went so far in the summer as to echo some of the concerns expressed by the Home Affairs Select Committee, looking at identity cards, when they picked up on the proliferation of databases, where the state in its various guises is collecting more and more information about citizens, and children in this case. I used quite graphic language, which was: "Are we in danger of sleepwalking into a surveillance society?" I come back to my opening point: we must be absolutely clear what we are trying to achieve. We can justify those objectives, but let us get a system that does just that. Let us not collect information for its own sake, with all the risks of intrusion into privacy and the more serious risks where mistakes are made, where information is not kept up to date. I can share with the Committee examples that my office has seen in recent years in the childcare area, where some quite disturbing situations that have come to our attention, where mistakes have been made or where information has not been kept up to date.

Q330 Helen Jones: I was struck by what you said about the Victoria Climbié case, that there was not a lack of information but there was a lack of what we call from where I come from "nowse". How would you improve social work training? Let us face it, that this is a terribly difficult job, sometimes done by young men and women with little practical experience to draw on when they first start their work. If we really wanted to protect vulnerable children, and move of the database, how would you improve the training?

Dr Munro: One area that I would look at is whether the recent efforts to improve it have been inadvertently harmful. I am thinking of the proliferation of paperwork. I am wholeheartedly in favour of encouraging a more structured approach, of encouraging recording, and a form of paperwork is essential and it is the right path to go down. However, we have got very clumsy tools at the moment, and one of the very big dangers I can see is that with things like the assessment of need frameworks and the common assessment frameworks, if you give them to an inexperienced worker and you do not give them the kind of reflective supervision that encourages learning, they will use them in a very mechanical way and they will never go beyond using them in a very mechanical way, because they never learn to develop the skills to get the feel of a pattern of family interaction and get the overall intricate picture by having the kind of supervision that makes you stop and reflect on what happened, what you missed, what you could have interpreted differently. You learn by deliberately trying to learn; it does not happen by chance. We are underplaying the role of that kind of professional

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development in the day-to-day work of social workers, and turning it much more into a clerical—"have you done the form?" kind of job.

Q331 Jonathan Shaw: Professor Cleaver, following on from Richard Thomas's question about what we want to achieve from this database, in your review of the trailblazer areas, what were staff telling you about how effective or not the database was, and whether it was useful at all?

Professor Cleaver: Very few of them had started using databases, so the information is rather poor. They had only just started their trialling of the whole system, and some had not started at all by the time I had finished it. One of the interesting things that came from, not the database itself, but as a pro, was that not only did they learn much more about each other, and there was all this stress on understanding what each other did, but also that the referrals to social services were more appropriate once they used the common assessment. Most used the common assessment, and the common assessment reflected in all but one case the assessment framework. It is crucial that if we are going to have a common assessment it does reflect it, because if we want electronic transfer of data we cannot start re-inventing. The use of the common assessment was well understood across the agencies, so they did not have to start explaining all the terms. That work had already been done to some extent, so they took advantage of it.

Q332 Jonathan Shaw: You said there was a problem for social services understanding all the information that they received, due to under-funding and staff shortages. Do you think that is the case right across the board?

Professor Cleaver: You mean other agencies, or across the board in social services?

Q333 Jonathan Shaw: You said that social workers do not understand the information because they are under-staffed.

Professor Cleaver: It is not so much that they do not understand the information—

Q334 Jonathan Shaw: I am picking up these sweeping statements this afternoon.

Professor Cleaver: The biggest problem is analysing the data that they get and understanding what it means.

Q335 Jonathan Shaw: So that is about competency, not just about staff shortages.

Professor Cleaver: No, it is linked to staff shortages because—

Q336 Jonathan Shaw: Well, not every area. I agree in London there are particular problems, but it is not every area in the country that has staff shortages.

Professor Cleaver: It is fairly universal. It is average 30% running—

Q337 Jonathan Shaw: Well—

Professor Cleaver: Well, yes, I will not argue. Some of them—I have not met one yet—may be fully staffed.

Q338 Jonathan Shaw: What I am keen to understand is whether it is just about shortages, or is it about a general competency that has an impact upon training?

Professor Cleaver: It is a combination. I think there is a difficulty from the social work training that is done in universities; that needs to be addressed, in terms of understanding child development and how you do analyse information and how you use research data in analysing your information and making plans. There is an issue there, and what one would have hoped then, if you had had social workers who were coming out with these difficulties, is that they could be overcome if you had very good supervision in terms of allowing the time for reflective practice, to think through it with your line manager. That is where the difficulty comes in terms of staffing issues, because you are often carrying too large a case load and so is your manager, so you do not have that time.

Q339 Paul Holmes: Professor Cleaver has already done some research on the setting up of the databases. Is there a need for further research to evaluate whether it has made any difference?

Professor Cleaver: Yes.

Q340 Paul Holmes: Are there any plans for—

Professor Cleaver: Not that I know of, but I do not know whether the Government has decided to fund that piece of research, or whether they have it in planning or not. It needs to be looked at.

Q341 Paul Holmes: As far as you know there are no plans. In so far as you think it will work better at all, how far will the national database system improve things for those children who currently fall between the cracks, the children who are looked after by adults, but do not get social services, or refugee children?

Professor Cleaver: If you are going to smuggle a child in, you will smuggle them in quite well, and you will not go and register them on a database. If you are an extremely young girl giving birth in a field, you are not going to have the baby registered on the database, so extremely vulnerable children will fall through those cracks anyway. It might encourage agencies to work together better, if there is a lead professional who you know you can come to and who will help organise and support agencies in talking to each other more.

Q342 Paul Holmes: If one of the purposes of the national database was that it would be commonly accessible across the whole of the UK, would that not make it easier to pick up on some of the children who sometimes get lost because the parent moves from one end of the country to the other?

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Professor Cleaver: If it is national—

Q343 Paul Holmes: Is that not the intention? If it is local databases, they should be accessible nationally, or it should be a national database—or not?

Professor Cleaver: I think I agree with you. The idea is that if they are local they will be somehow linked in to each other. I am not quite sure how it will work if you move and take the child out of school. You may get lost anyway and I am not quite sure how that would work. I do not see how it would work.

Q344 Paul Holmes: Would there be any point unless it was a workable national database? Bridget Lindley talked earlier about the danger of postcode lotteries, of local databases not talking to each other. Is there any point at all unless you have a proper national system?

Professor Cleaver: You have to have a national system or one—I am not an IT guru but they tell me that there are ways of somehow magically speaking to each other. It has to be in reality a national database. How it works, I do not understand, but it must be national; there is no point at all otherwise.

Q345 Paul Holmes: You talked about the need for there to be a lead professional who would take particular responsibility for deciding when there was cause for concern and when to put flags up on the database. Who would that be? Where would the lead professional come from?

Professor Cleaver: I would not be putting flags of concern on the database at all.

Q346 Paul Holmes: But is that not the whole point stated in the Children Act of the database?

Professor Cleaver: I do not think it is a good route to go. It is dangerous and I think you have real problems of access, and you have levels of access then. If you have levels of access because you only want some people to see what the flags are and whatever—you have professionals having different levels of access depending on what case they are working with, and it is a hugely complicated system. I would not have flags of concern on. The research from the trailblazers suggests that the majority would not have flags of concern on either.

Q347 Paul Holmes: Who would be the lead professional?

Professor Cleaver: The lead professional, in my small view—I am not going to be making these decisions, but it could work if you had the lead professional starting off being from universal services. It would be the health visitor if they were under 5, and it would need to be flexible so that once the child went to school it would then become the school teacher. If the child went into social services it would be for the period of time they were getting social services support, the social worker who would take over. It would have to be flexible.

Q348 Paul Holmes: The Children Act says clearly that it is the intention that an electronic flag would be placed on the record if a practitioner had a cause

for concern about the child. The Information Commissioner and the NSPCC have criticised that because they ask, what is the definition of “cause for concern”? Everybody would have different definitions. There is a clear intention that there should be these electronic flags. How would you decide on what “cause for concern” meant, which would have the same meaning to all the different people involved?

Professor Cleaver: It is extremely difficult. There is no definition of what concern is, and what concern for me may differ from one day to another, and which child; and whether my level of concern differs from yours or yours. It is a really, really difficult can of worms that we are opening. If we have got real concerns, we should be thinking in terms of child protection as against a mild worry. It is a terrible problem.

Dr Munro: If you have a cause for concern that the child may be abused or neglected, then we have a very large set of working-together documents that set out very clearly what you should do. It is well-established and the result of a lot of good experience, so we do not need to duplicate that. I do not quite understand what the scenario is where you think that you might need to check things out without the family’s knowledge, but you are not talking about abuse. I just do not know what scenario crops up of that nature.

Q349 Chairman: If you do not have these flags on the system, what is the point in having the system?

Professor Cleaver: I do not want the system.

Q350 Chairman: This is a wonderful session, where I am getting more evidence from the back row. The nods will never go down in *Hansard*—it is all very good quality!

Mr Thomas: Can I raise the issue of whether we need to extend this to all 11 million children? Clearly, when the Act talks about such matters as education, training, recreation, the contribution to society and social and economic well-being—those are the words I was searching for earlier from section 10 of the Act—that does embrace all children. The fundamental issue is, are we trying to enhance the well-being of all children in this country with this system, or are we trying to target child abuse for the problems that have been well-rehearsed. It may be possible with a narrower database, as it were, automatically for there to be a cause for concern, because they would not be on the database in the first place unless there was a cause for concern in the sort of language that Dr Munro referred to earlier. The consultation paper I mentioned earlier illustrates some of the tangles that we get into here. As you collect so much information on so many children you run the risk of losing the important cases amongst the mass of other cases. It becomes very, very complicated, and I echo the words about simplicity being important in this area. It is very expensive. That is not my immediate concern, but the resources must be phenomenally high. I really worry about whether some of these arrangements will be workable in practice. The latest proposals

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rely very heavily upon the consent of the parent, up to age 12, and of the child beyond 12 up to 18. It is very difficult with these very huge databases to explain what is involved in giving consent to get multiple consent across a wide range of organisations—the health area, the social services area, education and so on. Keeping the consents up to date will be very challenging. It is not a once-and-for-all consent; it has to be something that is ongoing. What somebody may consent when a child is four years old, may be very different when the child is 14 years old. There are problems where there are conflicts between parent and child. There are problems where we have different names for children. Children often have different names and addresses. We have a divorce rate in this country of something like 40% now and people move address on a very, very regular basis—the London turnover is about 40% every year or so. The problems of keeping this database accurate and up to date, from my perspective as the custodian of data protection concerns, are very challenging. You only have to struggle with the concept of what is a cause for concern if you have this very wide approach to all children. If you narrow it down to a database just of those who are at some sort of risk and have been identified as being at risk of threat to their mental or physical health or well-being, then you do not have to worry about an indicator of concern. You do not have to have flags. Three flags will be complicated enough in itself. You do not have to worry about these sorts of details and you do not have to get the consent of the parents in the first place. A lot of people think that everything, because of data protection, has to be done with consent. There is a lot of misconception out there: consent is not required for much sharing and processing of information. If a statutory body is exercising a statutory function, that is one example of where consent is not required at all. The concerns we have raised consistently focus around the scale of the ambition of these databases, being for all children. If it was for very well and closely-defined objectives with a narrower population, many of the problems we have been talking about may disappear altogether.

Q351 Chairman: As the Information Commissioner, do you think it is rather odd, whether you want a bigger or a smaller system, that we do not have any identification for children from birth? The earliest we get is at five, when going to school and then a national insurance number at 16. We do not have any data on a child with registration at birth, for example. Is that not an anomaly, or are you not concerned about it?

Mr Thomas: I am concerned. You are raising major issues here, Chairman. There are various sorts of numbers. The National Health number is not used to any great extent. For what purpose does one need to have the registration? For what purpose does one need to have such a number? If a compelling case can be made out, then maybe one should go down that road. So far the tradition in this country and other

English-speaking countries is not to go down the system of the state registering and keeping tracks of every person from cradle to grave.

Q352 Chairman: Are trailblazers put into practice with an up-and-running system? I have heard it is only Lewisham.

Professor Cleaver: I do not know how many are because I have come off the study now. It is now five months old. I went to a meeting on Thursday with them, just by chance, and I think they are probably more than Lewisham, but I do not know. I think it does need to be looked at.

Chairman: If you know who has that information, would you pass it on to us? Now we move to coverage of databases and child indexes.

Q353 Jeff Ennis: This is supplementary to the point you made about information and the intelligence gained from the trailblazers, Professor Cleaver. It appears to me that by and large a trailblazer or pathfinder, or whatever model the Government is looking at, is so that we can learn from best practice and make sure that we put the system in when it comes in on the big bang that it is working effectively. It appears to me that the trailblazers have not really delivered value for money to a large extent in achieving that objective. I would have thought that when we are looking at databases the main objective is to separate the wheat from the chaff, to be able to identify information within the whole amount of data available, which can act as a signpost. It seems to me that currently we are looking at a system that is adding to the chaff, rather than sorting the wheat from the chaff. Do you agree with that, Professor Cleaver?

Professor Cleaver: When they were established as IRT projects, they were not directed to set up databases.

Q354 Jeff Ennis: Or information systems?

Professor Cleaver: Or information systems particularly. They were to explore ways for improving information-sharing. There was a steer away at the very beginning from computerised systems, and except for one of the local authorities most of them spent much of their time trying to improve the inter-agency collaboration and trying to get that embedded in day-to-day practice. As we know, it is very difficult to change the way people work. A lot of effort went into that, and I think a lot of learning came from that, and a lot of understanding of how difficult the job is and how long a task it is to get it done. I would question your very negative view of them; I think quite a lot has been learnt. One of the other difficulties is that they were given so little time, and the Government moved so fast. The learning from it really has not been incorporated in as well as it could be because things were changing so fast.

Q355 Jeff Ennis: Effectively, it looks as though the eye has been taken off the ball, and we have moved away from trying to make sure we share this information sensitively and effectively; and now we

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are more concerned about the structure of the data system or the information system. Is that what you are telling me?

Professor Cleaver: I think that is true. There is now suddenly a great desire for a computer-based system, and I fear there is an assumption that this is going to solve the problem, whereas I do not think that any of the trailblazers were setting off thinking that a computerised system which would hold all information about everybody was going to be the way forward.

Dr Munro: Saying that it would help you take your eye off the ball is exactly the fear I have. If children's services are told to develop this very expensive and difficult database, and put their attention on developing technology, they take their eye away from the need to improve the skills and knowledge of the person who goes into the family home to talk to the parents.

Mr Thomas: You talked about separating the wheat from the chaff. If I can extend the metaphor, if you are looking for a needle in a haystack I am not sure it is wise to make the haystack even bigger. That is one of the points I was trying to make earlier. I have not been directly involved with the trailblazers, but my staff had conversations with half a dozen of them, and my impression is that what they really valued was the face-to-face or telephone contact they had with their fellow professionals, which the trailblazing schemes have stimulated. It is not so much what the technology turns out, but it is what it has prompted them to do by way of dialogue with each other, which I am sure is a sensible and welcome thing. That is no more than the impression we have, but I hope that is an answer to your questions.

Q356 Chairman: The trailblazers were very much about better communication, and it was set on this IT mission at the beginning, and so there is very good stuff that will be available on that communication between human-beings phoning each other and meeting each other in a more systematic way.

Professor Cleaver: A lot of the report is about how they improved collaborative working, because that is what they focused on primarily. Some of them did not focus at all on getting a database; they just did not do it.

Q357 Chairman: How quickly can that information be shared as good practice, and who is responsible?

Professor Cleaver: I do not know who would be responsible for it. It is there in the public domain.

Q358 Chairman: Presumably it is the Minister for Children, is it?

Professor Cleaver: Is it?

Q359 Chairman: I have to tell you that we are in totally new territory—and I am very glad that the witnesses today have been very gentle with us because we are very used to education and skills, but we are finding our way in this new territory. It is a whole new set of acronyms for us, and this is our first

inquiry. We do know that we are the scrutiny committee, and this is why we are conducting this inquiry, so we are very interested that is good practice coming out of several million pounds spent on trailblazers, that it be shared amongst all the local authorities and all localities in order to improve what we have. All three of you are saying that rather than having some complex IT system, what you need is better-trained professionals and better interface between those professionals. That is what you are saying, is it not?

Professor Cleaver: Yes. Richard is, I think.

Mr Thomas: From a different perspective, Chairman. My concern is to make sure we do not have excessive or inaccurate or unnecessary processing of personal information, so I come at these issues from a different angle. We are meeting somewhere in the middle.

Q360 Chairman: You have reminded me of a very early LSE lecture I had about information and needles in haystacks. Apparently the Intelligence Service in the United States knew exactly that Pearl Harbour was going to be bombed, yet there was so much information that it got lost in the information flow. We are talking about the same thing, are we not?

Mr Thomas: There is a far more recent example, the Soham murders. Data protection was quite wrongly blamed for what went wrong there. The Bichard Inquiry entirely vindicated data protection. The truth was that the Humberside Police had a lot of information but did not always know where to best find it.

Q361 Jeff Ennis: In your written evidence, Dr Munro, you had four main concerns, one of which encapsulates the problem we have, which is your concern no.3: "The proposed policy includes the power to breach confidentiality about low-level concerns and concerns unrelated to abusive parenting; and this will be detrimental to relationships with families." This is the problem we have. How can we ensure that children are protected at the same time as enhancing family support? It seems that we are struggling with two extremes in the parameters, as it were.

Dr Munro: I think you have to be clear that supporting families includes treating them with respect, and taking it that on the whole they have their child's best interests at heart far more powerfully than any politician or professional. We also need within children's services, which are basically within a supportive attitude, a more suspicious and coercive element at certain times. The more that we can spell it out, both for professionals and for families, where the threshold is that we will stop treating them with respect and start to challenge them, the better it is. The idea that there is a hazy scenario of dodgy families that would not co-operate but which are not abusive, needs to be spelt out, because if they exist I would like to know more about the nature of the problems that they are creating. Unless everybody concerned is clear about what

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point we criticise a parent, then having a major observation of what they are doing will feel frightening to parents, and it will be threatening.

Q362 Helen Jones: As I understood Professor Cleaver's evidence, there had not been much emphasis on IT in the trailblazer areas, but there was a lot of information-sharing and then perhaps setting up of IT. Do you have any information to give us on how parents reacted to the new systems? What affected their responses?

Professor Cleaver: There was quite a lot of consultation and information putting-out to parents and children and young people, and most of them did it innovatively, because they had to tell families that this was all going to be happening. They spent a lot of time putting stuff through in all sorts of different ways. They did quite a lot of consultation with the children, again exciting consultation—they had play-acting and what it would be like, *et cetera*. The children, on the whole, thought information should be shared about them if it was going to improve the services they had, but they wanted to be consulted and informed. They did not want the information shared with bad people, and they were very worried about databases because they felt that they could be hacked into, and unlike Neolithic people like myself—

Q363 Helen Jones: By them?

Professor Cleaver: They were saying things like they could get into the Pentagon database so you could definitely get into East Sussex. They just did not believe all those wise words of the Government, saying it would be secure. They just did not believe it and they wanted very little information kept on those databases because they were frightened that paedophiles would find out, particularly if there was a flag of concern. You can identify vulnerable children, because there was the name, the age of the child and the school they went to, so that you could go and visit, and there was a concern; so you knew immediately that this was a vulnerable child—"goody, goody". They were very concerned about that. They wanted agencies to talk to each other, if they asked them first.

Q364 Helen Jones: That is very interesting, particularly the children's view on it, because in my experience they know far more about IT systems than the likes of us. Mr Thomas, you mentioned earlier your concerns about the accuracy of information held, and following on from what Professor Cleaver has told us, about the security of the system. Can you tell the Committee your thoughts on how any such system can be kept accurate and secure?

Mr Thomas: There are a lot of questions there, but on security there are standards in the IS/IT industry, and one of the data protection principles is that personal information must be kept secure; so one can have appropriate levels of security. The point I want to make here is that it is fundamental to get it right in this area. We have had complaints in this area of social services, where it seemed that

everybody in a local authority department knew that a complaint had been made that a parent was abusing the child, and that was an example of the gossip spreading too far. In terms of accuracy and keeping up to date, I have given some examples of some of the logistical problems when you have these massive numbers and just keeping track of people. Let me give you a graphic example of where circumstances changed and yet the records were not kept up to date. A case was brought to our attention when a child was overheard in the school playground to say—and please forgive the language—"my Dad bonked me last night". The social services through the school quite rightly investigated that. They carried out a full investigation and discovered that a fair had been held in the town; the father had won an inflatable hammer and had said to his children, "bonk, bonk, bonk". As far as social services were concerned, that was the end of the matter. They were quite clear that there was no concern at all, but the records of that incident relating to the child, the sibling, the parents and to the grandparents were kept on another system and were never amended or deleted until it came to light some time later. That is an example of the harm that can happen where records are not scrupulously kept up to date. Another example came to our office some time ago where a father was alleged to have been abusing his child. Another person was then prosecuted for that matter and the father was entirely innocent, and yet the records were not updated, and that was still there against that particular parent's name. It is fundamental not just to keep track of the names and addresses, but to keep track of the changes of circumstances as the various processes move forward.

Q365 Chairman: While we have you in front of us, Richard—and we would not like you to have to face us twice, we are also looking at prison education. One of the matters that comes up all the time is whether prisoners can use the Internet for educational purposes. One group of witnesses told us absolutely that there are secure systems where there is no danger of prisoners accessing pornography or getting in touch with victims and so on. There is another group that said there is no system that is foolproof. Which camp would you fall into?

Mr Thomas: I am not going to answer the question fully, Chairman. I need to have notice of that question! I would say no more than that it is my role as Commissioner to be somewhat sceptical, somewhat concerned, and to make sure the systems do what they are intended to do. If one has clarity about the purposes and security arrangements, one then has to make sure that they are actually delivered in practice.

Q366 Chairman: What is your interpretation of the 2004 Act, section 12? One interpretation is that there will be a database, and we are on this road to ruin—we have got to have it because it is in the Act. There is another interpretation that there is a power to develop a database. Which is it?

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Mr Thomas: I read section 12 as a lawyer, Chairman—forgive me—but I think it is talking about the Secretary of State “may” do this, that or the other. There is no duty on the Secretary of State. There is nothing which says that this has to happen. Indeed, there was very considerable scope and flexibility to decide what, if anything, is going to happen in this area. I have welcomed the fact that the primary legislation has become a little more precise than in the original clause 8 of the Bill; we have more elaboration now on the face of the Act. As always in these sorts of situations, what comes out will be the content of the regulations. They have yet to be made. I hope that we will see some draft regulations in due course. I have had the same debate *vis-à-vis* identity cards. I am bound to say that the safeguards and arrangements on the Identity Cards Bill that is currently going through Parliament are a great deal more elaborate and discussed, and more fully articulated, than what we have seen on the face of the Children Act. I do have some concerns, frankly, that as this Bill went through Parliament all the attention was on smacking, and these provisions got almost no attention at all. I do think there are some issues and debates to be had amongst the population and within society at large about these proposals, about which there is still not very much detail on the face of the Act.

Chairman: I do get the feelings sometimes in these hearings that we are conducting a rather late pre-legislative inquiry. There is now one last section on the resource implications of the ISA programmes.

Q367 Paul Holmes: Professor Cleaver, from your study of the initial trailblazers, is there any evidence about the cost of setting up a proper system in any given area?

Professor Cleaver: One of the concerns they have is that the funding would have to continue. I do not think they are expecting it at the very generous rate that it was, but you would have to fund first of all somebody to keep the databases up to date. That is absolutely essential, otherwise you have rubbish information on them, as we have just heard, which can be very dangerous. You need to have some funding for the lead professional, if you are going to have a lead professional. There are huge funding issues, and you need funding to continue the training, because a lot of them have invested a great deal but know it will have to continue, even in the trailblazers; but for the non- trailblazers they have not started. They have done some work towards it, but it has got major cost implications. Having said that, if you removed the database and said you would not go for databases, it has still thrown up the fact that if we want greater inter-agency collaboration, we will have to fund it.

Q368 Paul Holmes: What were the generous amounts initially for the trailblazers?

Professor Cleaver: They had £1 million for local authorities or groupings of local authorities over a year to do it.

Q369 Paul Holmes: If you multiplied that up to cover the whole country, instead of trailblazers, what—

Professor Cleaver: It would be a lot of money! It is 135 non- trailblazers.

Q370 Paul Holmes: You said in some cases it would be groupings.

Professor Cleaver: Yes, there were pairs. I do not have a calculator and would have to work it out.

Q371 Chairman: There has been an estimate of £1 billion.

Professor Cleaver: Okay.

Q372 Jeff Ennis: Do you think that ISA systems will represent a good investment, or would money be better spent elsewhere within children’s services?

Dr Munro: I think I have answered that very clearly already, have I not? This is the wrong place to be looking for improving the quality of services.

Q373 Chairman: I want this on the record: I have in my notes that you said in an article published in *Political Quarterly* where you said the real problem is with limited funding of services for early intervention. “Adequate funding would do far more to improve outcomes for children than creating an intrusive, expensive tracking system to reveal what parents and professionals already know, that there are more children needing help than services available.”

Dr Munro: Yes, I put it quite well, did I not?

Mr Thomas: Frankly, I do not think I can personally answer Mr Ennis’s question. Can I just use the opportunity to make one final point, if you are winding up now? I am conscious that we have all been somewhat negative this afternoon. These are desperately serious issues and we must be as positive as possible. I am aware that within those concerned with the welfare of children, there is a lot of misunderstanding, misconception and anxiety about so-called legal and other constraints, including data protection, on the sharing of information. I want to make it very clear—and I have talked already to such bodies as the Association of Social Service Directors—that the more guidance we can give to people about the legal framework, about what can be done within the data protection environment, the better. I am very, very committed to making data protection as simple as possible, and to clarify the guidance in this very, very important area. If nothing else, I want to end on that very positive note. We are going to do what we can to explain to all the childcare professionals what they can do in this area, a lot more than many would perhaps think.

Q374 Chairman: Your use of plain English helps a great deal in that.

Mr Thomas: Thank you, Chairman.

Professor Cleaver: The enthusiasm in the trailblazers for greater inter-agency collaboration was across the board; they all thought that this was the way forward. An awful lot of work had been done that

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was very good, and I think that will and should help improve the outcomes for all children, not only the very vulnerable who were on child protection registers but also children who are children in need as defined by the Act and children who are not even at that level of concern—children within schools, if there is greater sharing of information. As I say, there is a great enthusiasm for greater sharing of information when they are working together with the co-operation of parents. You have to have parents and children in there.

Q375 Chairman: Is there anything you think we have missed in terms of our questions?

Dr Munro: I have a concern about the social work workforce, because I am a social worker. You do need to remember that until the mid 1990s children and families social work was the elite branch, which was highly competitive. If you went to any children and families team in London you would have found people there who had been in post for 10 or 20 years, and you had these really experienced, competent teams. They have all been driven out. Unless you can understand why you drove them out, and get them

back in, I do not think we are going to capture the skills that we need to make the system function properly.

Q376 Chairman: This has been an excellent session. All of us who are experienced Members of Parliament do know what has been happening in social work over the years. I am always amazed when I talk to my health visitors and social workers particularly, professions very much at the sharp end and dealing with human misery and challenging circumstances, that we do not have better human resources bases where people can be moved to different duties and then back. Large numbers of social workers at the front line have such a job that they do need a very careful human resource approach to developing their profession.

Dr Munro: They do.

Chairman: It has been a very good session for us. Thank you for us being gentle with us, being newcomers on the block! I am grateful to all the witnesses today, and the nodders and the shakers in the gallery! Will you please keep in contact and allow us to contact you again because we want to make this a good report? Thank you.

Memorandum submitted by Professor Hedy Cleaver

DEVELOPING INFORMATION SHARING AND ASSESSMENT SYSTEMS

Professor Hedy Cleaver, Julie Barnes, David Bliss and Deborah Cleaver

THE DEVELOPMENT OF A DATABASE: FINDINGS FROM THE TRAILBLAZERS AT FEBRUARY 2005

Methods

Information was gathered through a brief telephone interview with either the Trailblazer lead or a member of the ISA team in every Trailblazer.

The findings from these brief interviews suggest there is considerable variation amongst the Trailblazers in the piloting and rolling out of a database. The Trailblazers fall into four categories in relation to implementing their database:

- (a) those where the database has been piloted and rolled out;
- (b) those piloting their database and at an early stage of rolling it out further;
- (c) those piloting their database; and
- (d) those where the pilot is not yet running.

(a) database piloted and rolled out

East Sussex—Piloted a database and have rolled it out across the whole county.

Nearly all children in the county on the database—one health feed not yet part of system but will be soon. Trained over 1,000 staff (out of an estimated 3,000 who the index is aimed at). Database not being used as often as they would like by practitioners (part of this is due to individual agencies having to sort out their consent/information sharing policies before they start adding their involvements on the database) but they are working on this.

(b) database pilot running and at early stage of rolling it out

Lewisham—Have piloted their database and then updated their pilot system. Received the updated system at the end of November. They are now populating it (from existing databases—education, social services etc), training practitioners and rolling it out across the whole borough (70+ trained so far, have passwords and can now use the updated system).

Telford—Have used their database in a pilot area. 250 Practitioners registered to use it. Have updated the system and are rolling it out over the next few months.

Sheffield—Have used their database in a pilot area. Now starting to plan the wider role out.

West Sussex—Pilot has been running and it is now being wrapped up. Will be rolled out at a later date. (Have started planning the role out)

East Sussex—Contact with the lead has not been possible. By October 2004 they had piloted a database and it is likely that they have now trained staff and rolled it out beyond their pilot area.

(c) database pilot running

Knowsley—piloted a database in 3 schools. Just children in these schools on the database. Trained about 100 practitioners.

Leicester—piloting in Rutland. 90 people can use Bridges but not doing so in practice. The lead suggested two reasons why practitioners are not using it:

- (a) no information on index from health;
- (b) the consent rules mean practitioners must get written consent therefore it is more work for practitioners.

They are reviewing their consent rules.

Bolton—At present are piloting a database with only 100 children on it. Plan to expand to a single geographical location within the borough in April 2005.

(d) database pilot not yet running

Camden—database works but no one using it. Delayed due to having to separate out the CAF from the database. Populating database now from schools, social services and YOT. Have trained practitioners and anticipate end of April 2005 start.

K&C—database on hold at the moment (not going to invest when so much uncertainty)

Gateshead and Newcastle—database due to go live in February 2005 with about 200 practitioners.

Wednesday 2 February 2005

Members present

Mr Barry Sheerman, in the Chair

Mr David Chaytor
Jeff Ennis
Mr John Greenway

Paul Holmes
Helen Jones
Jonathan Shaw

Memorandum submitted by the Department for Education and Skills

A. INTRODUCTION AND CONTEXT

1. Most children and young people in England, most of the time, are healthy, do well at school and enjoy their lives. But despite investment and reform, too many still fall through the gaps between children's services. This can have catastrophic consequences for some children, like Victoria Climbié, and lead to poor chances in life for many others.

2. The Government wants to help every child and young person achieve their potential, whatever their background or circumstances, and to support parents and families in helping their children develop. We want to maximise opportunity and minimise risk for every child.

3. The Children's Green Paper *Every Child Matters*, published on 8 September 2003, recognised the improvements in educational and other outcomes that had already been achieved, and the positive impact that services such as SureStart, Quality Protects and Youth Offending Teams are having. But it also recognised that not all services are available in every area. Services do not always join up as effectively as they could around the needs of children, young people and families. Too often, parents and young people have to chase the service they need.

4. *Every Child Matters* set out the Government's proposals for improving services to achieve five outcomes that children and young people had said in consultation were important to their well-being in childhood and later life: being healthy; staying safe; enjoying and achieving; making a positive contribution to society; and achieving economic well-being.

5. The Green Paper also covered specific proposals for *Keeping Children Safe*—a response to the practice recommendations made by Lord Laming following his inquiry into the death of Victoria Climbié, and *Youth Justice—The Next Steps*, a consultation on proposals for improving the youth justice system.

6. The vision in *Every Child Matters* was widely welcomed. Extensive consultation³⁰ captured the views of local authority managers, front line workers and children and young people. Respondents supported the focus on:

- better outcomes for children and young people;
- opportunities for all and narrowing the gap between disadvantaged children and their peers;
- support for parents, carers and families;
- earlier and more effective intervention where problems arise to ensure no child slips through the net; and
- services that work better together around the needs of individual children.

7. The Government's response, *Every Child Matters: Next Steps* was published on 4 March 2004 at the same time as the Children Bill was introduced into Parliament. The Children Act 2004, as it now is, provides the legislative spine for the reforms:

- a Children's Commissioner for England who will be a children's champion independent of Government (Sections 1–9 of the Act)—see paragraphs 40–46;
- a duty on local authorities and key agencies (including, for example, health services and the police) to promote cooperation to improve outcomes for children, and enabling provisions to allow for easier pooling of resources to support this cooperation (Section 10)—see paragraphs 28–30;
- a new duty on health services, the police and other relevant local bodies to have regard to safeguarding children and promoting their welfare in the course of the bodies' normal functions (Section 11);

³⁰ Around 4,500 responses were received, of which over 3,000 were from children and young people. Voluntary organisations, out-of-school clubs and youth workers were used to help ensure that the views of younger children and those in hard to reach or 'at risk' groups were heard. Young people also gave their views on the Government's proposals through a version of the Green Paper which was aimed at 13–16 year olds.

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- indexes to support greater sharing of information between professionals for the purpose of providing early support to children, young people and their families, and to show whether children are receiving universal services (Section 12)—see paragraphs 53–64;
 - local authorities to set up statutory Local Safeguarding Children Boards with representatives from partner agencies, including housing, health, police and probation services. The Boards will coordinate the functions of all partner agencies in relation to safeguarding (Sections 13–16);
 - a single local authority children and young people’s plan (CYPP) to replace a range of current statutory planning requirements (Section 17);
 - a new, clear focus for local accountability through the appointment of a single Director of Children’s Services, bringing together local authority education and children’s social services, and a Lead Member for children’s services for each local authority (Sections 18 and 19);
 - integrated inspections across children’s services and any further powers that are needed for effective intervention (Sections 20–24 and 50)—see paragraphs 36–39;
 - an enhanced notification scheme for private fostering arrangements and fall-back provisions to move to a formal registration scheme if necessary (Sections 44–47);
 - a power to prescribe in regulations a national minimum allowance to cover the cost to foster carers of caring for a looked after child in England and Wales (Section 49); and
 - a specific new duty on local authorities to promote the educational achievement of looked after children (Section 52).

8. The legislation gives a clear focus and a new status to children’s services but for a reform programme of this degree of ambition and complexity, change will not be brought about by legislation alone. The transformation that we need can only be delivered through local leadership working within local communities on a local programme of change to deliver better local services. The Department’s *Five Year Strategy for Children and Learners* published in July 2004 explained more of how we saw services coming together around the needs of children and families through SureStart Children’s Centres, Extended Schools and better services for young people. These proposals will be developed further in the 10-year strategy for childcare and the Youth Green Paper, both of which will be published shortly.

9. The Government has therefore been working with partners across Government and beyond on a wider programme of change, to be taken forward by 150 local change programmes within a national framework of expectations and accountability (see Section B). The policies that the Government has been developing to support this programme follow our principles of personalisation, diversity in provision, workforce reform, freedom and autonomy for the front-line, and effective partnership working. On 1 December we will publish *Every Child Matters: Change for Children* which explains for local partners what the Act means, and how it forms part of a national programme of change. Short supporting documents will explain what *Every Child Matters* means for specific settings such as schools, health, youth justice and social care.

10. The following sections of this Memorandum set out the Government’s thinking on the national framework for change and local change programmes, and give information on the specific issues identified by the Committee.

B. EVERY CHILD MATTERS: CHANGE FOR CHILDREN

A national framework for local change

11. The last year has witnessed a process of dialogue on the reform programme, through the Parliamentary process and through dialogue with many national and local partners on the components of a reform programme.

12. We believe it is the role of central government to give clear and effective leadership to the reforms by:

- providing shape, coherence and consistency to the national framework for reform and the local change programmes by defining an Outcomes Framework as the context for local planning and assessment (see paragraph 14);
- developing the policies and programmes which are vital to change and where Government action can make a real difference—for example, in the development of Children’s Centres, childcare and Extended Schools, or developing a Common Core of skills and knowledge for professionals working with children and young people;
- providing support for local change and improvement, by communicating the components of the programme coherently to partners and listening to their reactions; and
- helping local children’s trust arrangements to develop; sharing best practice; monitoring local performance; and intervening if local partnership arrangements are found to be failing children.

13. The five outcomes for children proposed in Every Child Matters have commanded broad assent and are now enshrined in the Children Act 2004 as the purpose of local cooperation arrangements. They put the emphasis on the child and young person, rather than on the providers of services. They provide a focus for consensus and cooperation on what needs to be achieved and form the basis for measuring progress both locally and nationally.

14. To develop a clear understanding of what the outcomes mean in practice we have developed an Outcomes Framework (see Annex A) so that:

- each of the five outcomes is broken down into specific meaningful aims, with an indication of how parents, carers and families support those aims;
- each outcome is associated with important measures of progress—the Public Service Agreements (PSAs) relevant to children and young people that have been agreed as part of the Spending Review 2004, and other key Performance Indicators.
- each outcome links to relevant services criteria and standards in the draft national inspection framework for the assessment of children's services and which feeds into the Comprehensive Performance Assessment of local authorities.

The children's services Inspectorates will be consulting shortly on draft inspection criteria and we will consider in the light of their conclusions whether the detailed aims in the framework need to be revised.

15. Performance Indicators (PIs), relating to the five outcomes, will be one of the key sources of evidence for the Joint Area Reviews (JARs—see paragraphs 36–39). They will be collated into a dataset of the key PIs collected by inspectorates and departments, and this dataset will be made available to local authorities each year. The forthcoming consultation exercise on Children's Services Inspection will set out the PIs which the Inspectorates are proposing (and it should be noted that these are significantly fewer than the number of PIs currently used for inspection activity). Inspectorates will measure local delivery of outcomes against this performance information data.

16. A subset of this data set (and the associated criteria) will be created for the Annual Performance Assessment (APA), which essentially covers those children's services delivered by local authorities. The JAR dataset (and the smaller APA dataset) contains a range of indicators, including the PSA targets that we can disaggregate down to a local level. An example would be inspectorates assessing how well an authority is helping improve school attendance, including as evidence the PSA target relating to school attainment.

17. Putting together the measures derived from the PSAs which are available at local authority level and the measures which the Inspectorates use to judge progress, we will be able to create a common dataset which will help define the system of children's services that we want to achieve and the progress we are making towards that, while rationalising and reducing data demands on local authorities.

18. We will encourage local authorities and their partners to use the Outcomes Framework to audit the current state of children's services and outcomes, drawing on the dataset to compare their success with that of their statistical neighbours. This audit will feed into the annual priorities conversations with national field forces, where a list of local priorities will be agreed and the opportunity to review the Children and Young People's Plan will arise. Most priorities will cover local contributions to national PSAs but some will be more specific to the local area. This will provide the context for the local change programme described in the following section.

19. We will encourage local authorities and their partners to use the framework to audit the current state of children's services and outcomes and to prioritise action, drawing on the common dataset to compare their success with that of their statistical neighbours. This will provide the context for the local change programme described in the following section.

Local Change Programmes—children's trust arrangements

20. Improvements in outcomes for children and young people must be planned across a range of local partners in the context of local circumstances. That is why the Children Act 2004 puts a duty on each local authority in England to make arrangements to promote cooperation with other statutory agencies. Forthcoming draft guidance will make clear that authorities will also be expected to involve service providers such as schools and general practices, and the local voluntary and community sector. Children, young people and their families should also have a clear voice in assessing local needs, identifying local priorities and how services can best be configured to meet those needs.

21. Children's trust arrangements will be the vehicles for whole system change across children's services, working in the context of authorities' broader Local Strategic Partnerships. We expect most areas to have trust arrangements by 2006 and all by 2008. Fully effective arrangements will need:

- professionals who are enabled and encouraged to work together in integrated front line services which are built around the needs of children, young people and families;
- to be supported by common processes which are designed to create and support joint working;

- to bring agencies and their resources together—for example, by pooling budgets. This will provide the financial mechanism for delivering a commissioning strategy which ensures that key priorities are identified and addressed. Section 10 of the Children Act allows the pooling of budgets and other resources, which can include staff, goods, services, accommodation; and
- to be overseen by strong inter-agency governance arrangements in which shared ownership is coupled with clear accountability.

These features are explored below.

22. The most important changes we are trying to achieve are changes in the behaviour of those who work every day with children and families. Children and families should experience more integrated and responsive services than they currently do, with specialist support embedded in and accessed through universal services. So a key feature of children's trusts is front-line staff working in effective multi-disciplinary teams, being trained jointly to tackle cultural and professional divides, and using a lead professional where many disciplines are involved in supporting a child. Better interaction between universal and specialist services will be made easier by co-location, for example, in Extended Schools or SureStart Children's Centres.

23. To deliver that sort of joined-up working, it is important that we help front-line staff by aligning the processes that surround them—the forms they have to fill in, the reports they have to write, and the procedures they have to follow. Some of these processes, like the Common Assessment Framework, will be centrally driven, but many will be local. One crucial area where the Government judges it appropriate to give a clear lead is the better sharing of information about vulnerable children. The Government will issue clear guidance for practitioners on the sharing of information. The Government has also taken power in the Children Act 2004 to require the establishment to national standards of databases (or “index systems”) to enable early identification of concerns (see paragraphs 53–64) and is now moving to the design stage for a network of local indexes.

24. While integrated delivery can be fostered in many ways, and at many levels, making sure the system overall is meeting the real needs of children in the right way needs a clear sense of strategic direction and planning. This means joint needs assessment, shared decisions on priorities, identification of all available resources including, where possible, pooling of resources, and joint plans to deploy them so that those best able to provide the right packages of services can do so. The new Director of Children's Services and Lead Member in each local authority will be well-placed to lead this, developing the statutory plans for children and young people at the core of the process, and with new powers to pool budgets and resources—enabled in the Children Act 2004 to underpin the commissioning process. Joint planning is already happening in some areas, with greater or lesser degrees of formal joint commissioning and budget pooling.

25. To ensure all these developments amount to genuine whole-system change that delivers better outcomes, inter-agency governance is needed which ensures that everyone subscribes to the vision and which gives each partner the confidence to share day to day control of decisions and resources—while maintaining the necessary high level accountability for meeting their statutory duties in a new way. The legislation gives local partners the flexibility to formalise this organisationally in the way that makes most sense locally—for example, by building on the Children and Young People's Strategic Partnerships that exist in 90% of areas.

26. The Government is committed to working with local authorities, Primary Care Trusts and other local partners to support local change programmes. This includes the appointment of 10 Regional Change Advisers jointly by DfES and the Department of Health, based in Government Offices; networks and development programmes for local strategic managers; and support for local discussions and for disseminating emerging practice. We are also working to simplify the arrangements for performance review, monitoring and assessment into a new improvement cycle for children's services.

QUESTIONS FROM THE SELECT COMMITTEE

27. The Committee has asked a number of questions in its Press Notice. The Government sets out its response to those questions in the following paragraphs.

The Practical Implications of the Duty to Co-operate, Including the Effect on Funding Streams and Location of Staff and Facilities

28. Section 10 of the Children Act places a statutory duty on local authorities and other key public agencies prescribed by the Act (including Strategic Health Authorities, Primary Care Trusts and the police) to co-operate to improve outcomes for children. The Government wants private and voluntary organisations to be involved at every level in local arrangements; the onus will be on the local partnership to involve private and voluntary organisations where it makes sense locally. The Government also wants local partnerships to actively listen to children, young people and their families in planning service provision and assessing how services are working in terms of face-to-face delivery (see paragraphs 40 and 50).

29. Section 10 also enables local partners to pool resources—and this need not be solely financial resources. As partners increasingly come together to assess local needs and find shared solutions to shared problems, they will be able to make use of this power in order to meet locally agreed objectives. Similarly,

partners will want to consider whether services can be co-located as a way of improving delivery of the services that children, young people and their families need. The extent to which services can be co-located, and where they should be based, will need to be decided locally in the light of local aspirations and national expectations eg on the growth of childcare places.

30. Statutory guidance will make it clear that schools, GPs and other service delivery agents should be involved in cooperation arrangements in whatever way is appropriate locally. This involvement may be direct, for example through a local partnership body or through existing collaborative mechanisms. To support local cooperation arrangements the Government is committed to rationalising as far as possible the funding streams for children's services to local authorities. As a first step, the Secretary of State for Education and Skills announced on 20 October 2004 that four grants would, from 2006, be amalgamated into a single Children's Services Grant with the maximum discretion to target services at local need within clear national expectations.

Staff and Management Needs: Team-building, Leadership and Training

31. The children's workforce is made up of approximately 3.5 million workers,³¹ both paid and unpaid, working in the public, private and voluntary sectors. Some work exclusively with children, young people and families, others include this as part of their role. To ensure that children and young people achieve the five outcomes of *Every Child Matters* we have to have a workforce that is skilled, well-led and supported by effective, shared systems and processes. We need people in different parts of the workforce to work well together across institutional and professional boundaries, focused around the needs of the child and young person.

32. The evidence of successful services such as SureStart and Youth Offending Teams shows that multi-agency and multi-disciplinary working can bring significant benefits in providing improved, co-ordinated service delivery. But it also presents particular challenges in terms of the leadership of the team, the management of different terms and conditions, and the provision of appropriate professional supervision and support. The DfES is therefore working with partners to identify good practice with a view to developing guidance and toolkits to support new ways of working locally as part of the Every Child Matters: Change for Children programme. Such integrated working will take a variety of forms depending on the needs of children and families locally—from virtual teams brought together around the needs of particular children through to fully co-located multi-agency teams made up of professionals from different disciplines and organisations.

33. Reforming the children's workforce so that it supports more effectively the five outcomes for children and young people, with a stronger focus on early identification and prevention, requires action at national and local level. The Government's vision is of a workforce that is more integrated and coherent, while valuing individual skills and professionalism; stable yet flexible and responsive; attractive and valued; skilled and trusted; and well led, well managed, and well supervised. A clear, supportive national framework needs to be put in place to underpin this vision. But it will only be realised if leaders and managers locally understand, embrace and drive change taking account of local needs.

Children's Workforce Unit

34. The Government has established the Children's Workforce Unit within DfES to provide support to enable change. Working with a range of partners and stakeholders, the Unit will:

- develop and publish (early in 2005) a Pay and Workforce Strategy which gives a clear analysis of supply and demand issues and sets out action to be taken nationally and locally to ensure that there are the skills, ways of working, and capacity in the children's workforce to deliver change for children;
- make available to leaders and service managers practical guidance on multi-agency working which will supplement the statutory guidance on the duty to co-operate and on information-sharing;
- publish, and issue guidance, on a new Common Assessment Framework to promote better cross-sectoral working and the more effective, earlier identification of children's additional needs;
- develop a Common Core of Skills and Knowledge for those working with children, young people and families. This will give professionals a basis for greater shared knowledge and understanding, not only in their individual roles, but also as they link with workers in other disciplines, and will ultimately provide the basis for assessment of competence;
- building on the Common Core, create a "climbing frame" of qualifications to support more coherent, flexible career pathways within and across the children's workforce, thereby easing progression and supporting retention;
- introduce into this climbing frame a stronger and simpler set of qualifications attesting to improved skills and knowledge, to help the workforce gain additional skills and specialisms where needed; and

³¹ This figure excludes those in the FE and HE workforces which together account for 0.9 million bringing the total to 4.4 million.

- enhance the infrastructure for employer-led reform across the children's workforce by establishing new Sector Skills Council arrangements (see below).

Sector Skills Council arrangements (SSC)

35. It is essential that employers play a key role in supporting the Children's Workforce Development agenda. The emerging Children, Young People and Families Workforce Development Council, which will be part of the Social Care, Children and Young People's SSC and the body acting as the SSC for children's services in England, will be at the centre of these developments. We expect the new Council to be operational after April 2005. It will develop qualification and training frameworks for the workers who fall within its footprint in England, and collaborate closely via its own SSC channels with other SSCs and SSC-like bodies who have responsibility for those working in the children's workforce in order to bring about systemic improvements. It will work with professional associations, training and educational providers to supply first-class initial and continuing training, with an eye to making learning opportunities more accessible. It will set standards for its own workers and work with other SSCs to advocate these for the wider children's workforce.

INSPECTION

36. *Every Child Matters* proposed a unified approach to inspection to capture how well services work together to improve the lives of children and young people. The Government intends that inspections will capture how well services are delivered for children and young people and how well these services work together. Duties of cooperation between and across inspectorates will ensure effective coordination of all inspections of children's services. This integration of children's services inspectorates should both reduce the burden of inspection and improve its efficiency and effectiveness.

37. We plan to:

- develop a framework to guide inspection and assessment of all universal, targeted and specialist services in so far as they relate to children;
- establish joint area reviews that will provide a picture of what it is like to be a child within a local authority area; and
- make arrangements for the effective co-ordination of inspection activity to prevent duplication and to reduce burdens and pressures on those inspected.

38. The inspection framework will help the inspectorate:

- target inspection activity explicitly to assess how far areas are achieving the five outcomes for children and young people, unconstrained by service boundaries;
- guide inspection and assessment of all universal, targeted and specialist services in so far as they relate to children; and
- make arrangements for the effective co-ordination of inspection activity to prevent duplication and to reduce burdens and pressures on those inspected;

39. These new arrangements will be introduced in September 2005. Ofsted, on behalf of other relevant inspectorates, will consult on a draft framework for inspection from early December 2004, based on the thinking generated from conferences in May 2004 at which Ofsted explored ideas for the inspection of children's services with local authorities and their partners.

LISTENING TO CHILDREN: THE ROLE OF THE CHILDREN'S COMMISSIONER

40. The active participation of children and young people in the design and delivery of services underpins *Every Child Matters: Change for Children* and other Government's programmes. At local level, participation of children and young people in decision-making about their lives and in contributing to service design and development has taken huge steps forward and there are very many examples of good progress in involving children and young people:

- several local authorities are actively involving children and young people in the design of children's trusts, extended schools and other developments;
- most local authorities have children's participation officers in post and children's rights officers who work with the most vulnerable children;
- the DfES has issued guidance on advocacy services for vulnerable children and young people wanting to make a complaint under the Children Act 1989. Revised social services complaints procedures have just been issued for consultation;
- DfES is also developing a performance indicator on children's participation in child care reviews for introduction into the 2005 Performance Assessment Framework set; and

- last year DfES issued guidance to LEA's—Working Together, Giving Children and Young People a say—to provide a platform for encouraging best practice on pupil involvement. The guidance sets out ways in which school governing bodies can appoint pupils as associate members and other ways in which children can be better involved in the life of the school.

41. To ensure that all children and young people have a voice, the Government has created the role of Children's Commissioner for England. The Children's Commissioner will be a powerful champion for children and young people. Their main role will be to promote awareness of the views and best interests of children and young people. He or she will work according to the framework of the United Nations Commission on the Rights of the Child and to the Every Child Matters: Change for Children outcomes framework. We expect the Commissioner to be appointed by February 2005 and in post by April 2005.

42. The Children's Commissioner will be independent of Government and will:

- influence policy makers on children's issues;
- promote awareness and understanding of children's issues; and
- undertake and consider research into children's issues;

43. He or she will pay particular attention to gathering and representing the views of the most vulnerable children and young people in society: for example, they will consider or research the operation of complaints procedures relating to vulnerable children.

44. The Children's Commissioner will be able to initiate inquiries into individual cases that have a wider relevance to children and where no existing inquiry is taking place. The Secretary of State will also be able to direct the Commissioner to undertake such inquiries.

45. Children and young people will be directly involved in the recruitment of the Children's Commissioner. With the help of Children's Express, a Children and Youth Board has been formed and, with other groups, will be involved in the selection of the Commissioner.

46. The Commissioner will consult and involve children and young people in his or her work and promote their involvement in the work of other organisations. For example, the Children's Commissioner will represent children and young people and their issues across all areas of society from the media and private business to Government. The Commissioner will work with other organisations who have an interest in children's views, for example Ofsted and the Commission for Social Care Inspection (CSCI).

WORKING WITH PARENTS

47. An overwhelming body of evidence now exists to support the link between an individual child's circumstances and their later life outcomes; family relationships and their experience of parenting are understood to be absolutely key in forming those outcomes. Parenting has an impact on a wide range of long-term outcomes for children and can be a risk factor or a protective factor, influencing the likelihood of offending and anti-social behaviour, extent of educational achievement, health outcomes, teenage pregnancy and drug misuse. It is therefore important that Government provides support to parents as parents.

48. The Green Paper Every Child Matters flagged up the Government's aim to develop more and better universal support and services open to all families as and when they need them. Within this universal offer of locally available information, advice and support, specialist services will be targeted to those families which need additional support. The voluntary and community sector will have a critical role in the design and delivery of services.

49. The Government recognises that some parents will be harder to engage and their difficulties more entrenched. It is often such parents who, for a variety of reasons, do not take up the support available or offered to them. Government will endeavour to reach those parents and encourage local services to find ways of engaging with those parents. However, as the well-being of children is our primary concern, compulsory action through Parenting Orders will be used as a last resort, for example when persistent anti-social behaviour or truancy is condoned by parents.

50. In Every Child Matters: Next Steps the Government recognised the need to shift the perception of parenting support away from an association with crisis interventions and towards a more consistent offer of parenting support throughout a child or young person's life. Support should be universal and accessible from a range of locations and include a focus on key transition points in a child, young persons or parent's life. Universal support in the form of information, advice and signposting to other services, should be available to all parents—both mothers and fathers. It is important that access to support can be found in places where, and ways in which, parents and carers feel comfortable, such as early years settings, schools, primary healthcare services, and through Childcare Information Services, telephone helplines and web based information. Targeted support will be provided for families and communities facing additional difficulties, and could include structured parenting education groups, couple support, home visiting, employment and training advice etc.

51. Children's centres and extended schools will develop a coherent set of services both to support parents and to involve them properly at all stages of a child's learning and development. Over time we would like to build on the success of the integrated early years settings, to see nursery and primary schools as venues for a variety of family support activities, and every secondary school become an extended school, offering a range of family learning opportunities, including parenting classes if they are wanted.

52. The role of parents in their children's learning and development has been increasingly recognised across Government, particularly since publication of *Every Child Matters*. The Child Poverty Review recommends increased support for parents as an important part of the approach to eradicating child poverty. The Government has committed itself through the 2004 Spending Review to expanding the provision of support for parents with targeted help at key transition points in children's lives, including moving into primary and secondary education.

THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

53. The need for professionals to communicate and share information effectively was highlighted by the Laming Report following the death of Victoria Climbié. The Government values individual professional expertise but is seeking to break down the traditional professional silos which inhibit practitioners from talking to each other and working together. In many cases it is only when information from a range of sources is put together that a child can be seen to be in need or at risk. However, it can be time consuming and difficult for practitioners even to find out who else is dealing with a particular child.

54. Therefore, Section 12 of the Children Act 2004 provides a tool—indexes (databases)—to make sure that all children get all the services they need at the earliest stage possible. The detailed operation of the indexes will be set out in regulations—which will be subject to the affirmative resolution procedure—guidance and directions. It is important that the indexes cover *every* child and not just those judged to be at risk because:

- it is not possible to predict accurately in advance which children will have need of additional targeted and specialist services, or which children will never have them; and
- all children have a right to the universal services of education and primary health care.

55. The Government recognises that there are concerns about collecting information on individuals and then sharing that information between professionals. The type and amount of information on the indexes will be stringently restricted with no case information recorded. Where children are not receiving targeted or specialist services, the information held will be limited to basic identifying information and details of their educational setting and primary health care practice. This is proportionate to the Government's aim of ensuring that these universal services are not being missed.

56. Section 12 of the Children Act provides the flexibility for indexes to be established at national, local or regional level—or a combination thereof. As part of the ongoing work we have commissioned on technical feasibility, we are exploring a number of options. Although we are not yet in a position to make final decisions, our current preference is for local indexes to be established, or a combination of local, regional or sub-regional indexes where that might be appropriate, to assist authorities in carrying out their duties under Sections 10 and 11 of the Act. This option would make interoperability between indexes an essential requirement so that a child's record would be able to follow the child when they move home to another area or receive services in a different authority to that in which they live. As part of this ability to keep track of movements, we envisage there might be a need for local indexes to be supplemented by a national system, whether established by the Secretary of State or another body, that would provide information on which of the local indexes every child's record was held. The national system could also help by, for example, holding a list of children who are known to have moved out of an area but whose destination has yet to be established. And a national system could provide anonymised information for statistical, monitoring and planning purposes.

57. We envisage that the indexes would contain the following information:

- basic information on all children (name, address, gender, date of birth, a unique identifying number, educational setting, GP practice, person with parental responsibility for or day to day care for the child). There will be no other information about family members or their circumstances on the database;
- details of any targeted or specialist services a child is receiving and the contact details of the person providing them; and
- the fact that any practitioner has cause for concern about a child. The nature of the practitioner's concern would not be described on the system.

58. We are aware of the concerns expressed in both Houses of Parliament and by key stakeholders about how practitioners working in services that may be regarded as sensitive—especially those concerned with sexual health—should record their involvement so as to maintain the confidence of young people in accessing those services. We are also responding to worries about how and when practitioners should record on the index that they have a concern. Debate in both Houses on Section 12 of the Bill and comment from key stakeholders emphasised that there is the fear that the index will be flooded with concerns and that the

most vulnerable children will be overlooked; that recording a concern could become a substitute for taking action; that subjective and potentially inaccurate judgements would be widely accessible to others; and that there is no definitive threshold for the recording of a concern.

59. To ensure that we get these crucial operational aspects right, we launched a public consultation on 27 October to help ensure that the indexes provide the most helpful support to information sharing. Children, young people, parents, practitioners, representative bodies, service delivery organisations and voluntary and community bodies are being consulted. Responses to the consultation will inform the draft regulations before they are put to Parliament.

60. We shall be backing up our information sharing measures with:

- statutory guidance on Section 10 and 11 of the Children Act 2004 and statutory guidance and directions on the regulations made under Section 12; and
- new guidance on information sharing for practitioners covering education, health, social care, and youth offending settings.

61. As part of our proposals to help practitioners provide a better service to children, we are also developing a Common Assessment Framework (CAF) to help reduce the duplication of information gathering between agencies.

62. The CAF will be a basic assessment tool available to all professionals working with children. It aims to reduce the time spent in repeated basic assessments of the same child by different practitioners. The details of the assessment will not be recorded on the index, but a professional in contact with a child will be able to see from the index which other professionals are already working with the child, and request the assessment that has already been done under the CAF.

63. The CAF will be a starting point and provide core information about the child, young person and family. It will assess needs in a broad, holistic way. Some children will require specialist services, eg Special Educational Needs, and these services will have their own assessment processes. The information from the CAF can be used as part of these but it will not replace specialist assessments.

64. The information indexes are just one part of what needs to happen to ensure that children are safeguarded and protected in the best way possible. The appropriate storage and sharing of information is an important element of services working together in the interests of the child. In this, as in other areas of work, it is vital that trust and confidence is developed between practitioners working in different agencies.

Annex A

THE OUTCOMES FRAMEWORK

The Outcomes Framework breaks down each of the five outcomes into five further specific aims, and associates with each aim the contribution that parents, carers and families can make.

- Be healthy. This means children and young people are:
 - physically healthy;
 - mentally and emotionally healthy,;
 - sexually healthy;
 - living healthy lifestyles; and
 - choosing not to take illegal drugs.
 Parents, carers and families promote healthy lifestyles.
- Stay safe: this means that children and young people are safe from:
 - accidental injury and death;
 - maltreatment, neglect, violence and sexual exploitation;
 - bullying and discrimination;
 - crime and antisocial behaviour in and out of school; and
 - have security, stability and are cared for.
 Parents, carers and families provide safe homes and stability.
- Enjoy and achieve: this means that:
 - young children are ready for school;
 - school-age children attend and enjoy school;
 - children achieve stretching national educational standards at primary school;
 - children and young people achieve personal and social development and enjoy recreation; and
 - children and young people achieve stretching national educational standards at secondary school.

Parents, carers and families support learning.

- Make a positive contribution: this means that children and young people:
 - engage in decision making and support the community and environment;
 - engage in law-abiding and positive behaviour in and out of school;
 - develop positive relationships and choose not to bully and discriminate;
 - develop self-confidence and successfully deal with significant life changes and challenges; and
 - develop enterprising behaviour.

Parents, carers and families promote positive behaviour.

- Achieve economic well-being: this means that:
 - young people engage in further education, employment or training on leaving school;
 - young people are ready for employment;
 - children and young people live in decent homes and sustainable communities;
 - children and young people have access to transport and material goods; and
 - children and young people live in households free from low income.

Parents, carers and families are supported to be economically active.

November 2004

Witnesses: **Mr Tom Jeffery**, Director-General, Children, Young People and Families Directorate, DfES, **Ms Anne Jackson**, Director, Strategy Group, Children, Young People and Families Directorate, DfES, **Ms Sheila Scales**, Director, Local Transformation Group, Children, Young People and Families Directorate, DfES, **Ms Althea Efunshile**, Director, Safeguarding Young Children Group, Children, Young People and Families Directorate, DfES, **Dr Jeannette Pugh**, Director, Children's Workforce Unit, Children, Young People and Families Directorate, DfES and **Mr Mark Davies**, Deputy Director of Care Services—Children and Mental Health, DoH, examined.

Q377 Chairman: Good morning everyone and welcome to this morning's session. The new responsibilities for the Department and hence for this Committee on the Children's Act are quite daunting. We have found a whole different world, a whole different language and vocabulary and our learning curve has been quite steep. As you know we have been taking quite a lot of oral evidence and we have received a great deal of written evidence; we have also been to British Columbia where they have had a Children's Act for some 10 years. Interestingly it came about after a tragedy similar to the tragedy that focussed everyone's mind on this issue in this country. Tom Jeffery, you are known to the Committee, which of your team would like to say something to open up on the Children's Act or do you want to go straight into questions?

Mr Jeffery: Thank you, Chairman; maybe I could say something by way of opening. Firstly, we are very grateful for the opportunity to give evidence. We have been following some of the evidence sessions to date and they give us much food for thought. They demonstrate clearly the challenges we face and we are very conscious of the challenges and the complexities of the change programme on which we are launched. We also believe we are laying firm foundations for change and that we are building a strong coalition and a consensus around what we are doing. Over the last year or so we have been focussing on putting in place the main elements of what we call a whole system change for children in which the Children's Act is of course central but not in itself sufficient. It is clear that change must be led locally and the most important change will take place on the ground close to children and families.

What we have been seeking to do, therefore, is to put in place a supportive national framework for 150 local programmes of change. We set out some of that in a document just before Christmas, including our outcomes framework and the inspection framework which is out for consultation now. There are further elements to come. We will be publishing a workforce strategy shortly. The Children's Commissioner is being appointed. However, we are moving now from a design phase to delivery. As ever in *Every Child Matters* the most innovative out there are moving well ahead of government and we are getting evidence of good progress being made across the country on many *Every Child Matters* priorities. Our priority is very much to support that change and to go forward in what we hope is a joint venture between government, statutory agencies, voluntary agencies, children, families and communities. We know we have a very long way to go on what is a long term programme of change, but we believe we have made a start.

Q378 Chairman: Thank you for that. Let us start with the question that really came out of our trip to British Columbia. Their Children's Act, in terms of its original conception, was broad in intention in terms of having a Minister for children and families, having a children's commission and commissioner, but some years after it all seems to have gone rather wrong. What has really developed is that it is rather hard even to engage people in discussion about a universal service for children. To most of us it seemed to be focussed on child protection. The original intention had been diverted into just this obsession with a very important sector but not what

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this Act is about. Is there a danger that we will start off with a great intention of a broad policy agenda and finish up in the area of just child protection? Do you think that is a danger for us?

Mr Jeffery: These are issues which have been debated throughout the development of *Every Child Matters* and subsequently, the balance between help for the most vulnerable and seeking to promote prevention and early intervention through universal services, and I think keeping those elements in balance is a challenge for any change programme; it must be so. That is, of course, what we are seeking to do, to bring together the universal and the specialist because the distance between services—cultural and sometimes physical—has generated the gaps between which children have fallen. The commitment on the part of universal services—including those in schools—and their interest in this agenda before (and certainly ever since) *Every Child Matters* was published has been very high indeed and they are very much part of that coalition to which I referred earlier.

Q379 Chairman: From the original inquiry into the tragic death of a child, from that time there does seem to be an indication of some lack of commitment in some areas. We have murmurings from certain people in the health sector that the degree of collaboration is not what it seemed to be at the time, a weakening of the resolve to communicate across disciplines and departments. Does that worry you?

Mr Jeffery: If that is what we were finding it would worry me. It is idle to pretend that there are not people starting from different places and one keeps building that coalition. However, there is strong commitment across government and it is indicated to some degree by our involvement with the Department of Health—Mark may want to comment on this in a moment—and there is a strong commitment on the part of schools and others to this agenda. If there were those variations in commitment it certainly would worry me. There is a major effort in communication to demonstrate how all these parties can play a part in the Change for Children programme and we are engaged on that.

Q380 Chairman: So is Professor Aynsley-Green happier now about joined-up Children's Services or is he still unhappy?

Mr Jeffery: I have never known Al be other than challenging as to how we should work closely together. Al and I see a lot of each other. He is a great champion for children's issues across government; he is a strong member of the cross-government Change for Children Programme Board which I chair. The Department of Health, working with the Department for Education since *Every Child Matters*, has come out with the national service framework for children (which is a very significant statement about children's health and services working together) and with the Public Health White Paper (which will decidedly involve the partnership of all the agencies concerned with *Every Child*

Matters), all those things need to be taken forward together in a single cohesive programme of change rather than be delivered from government separately to different agencies. That is very much what we are trying to do.

Mr Davies: I think it is important that you have been to British Columbia; Al Aynsley-Green has been there too. He has been there at their invitation because of their interest in the national service framework and what he has reported back to us are the same findings that you came up with, that it is very focussed on safeguarding and child protection and on the early years programme. However, they are very envious of our national service framework and I think we should not underestimate the importance of the national service framework; it is the biggest national service framework we have in the health service and it is the most important set of standards ever produced anywhere in the world for children's services and it covers everything from pre-birth through to teenage years and transition to adulthood. It is a very important document and it is a joint document between education and health, and sets out some very clear standards and a very clear framework for the NHS. Obviously just describing a framework is not enough to deliver change at the local level and I think there is no question we have a challenge there. We have 150 local authorities, we have 303 primary care trusts, we have a number of hundreds of NHS provider trusts providing services for children and getting that integration with education and the criminal justice sector is very important and very challenging for us, but we have the framework there and we have the good will of professionals as well who welcome the national service framework and are committed to implementing it over time.

Q381 Chairman: As we listened to the evidence we had—informally mostly in British Columbia—they told us about the inspiration that the inquiry had given them and that the legislation had provided, but found that people still did work in their silos; the joined-upness did not happen for them and still has not happened in many cases. They still saw themselves as having discrete roles and communication had not improved in the way they had anticipated. Are we sure that this joined-upness is possible in our system? It looks very complicated on the ground, giving enormous new roles for people who are already very busy anyway.

Mr Jeffery: Perhaps we should start with examples of joined-upness that we have already. I think it is an important consideration that *Every Child Matters* and the change programme we are now setting up are not starting from anything like a blank sheet of paper. There have been some very significant integrated programmes over the last few years—there is SureStart, there is the work of the Children's Fund, there is Connexions, there is Quality Protects—all of which began to bring agencies and people together at managerial and strategic level and in the front line. The issue really has been their success which has kept them separate, one from the

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other, as they have each had their own funding streams and accountabilities. We need to learn from what they have succeeded in doing in bringing the whole system together at a local level. There are many additional incentives now towards that integrated working. There is the appointment of a Director of Children's Services, the one person in charge; there is the example of what the inspectorates have done in themselves working together to create the new inspection framework and to set up the joint area reviews so that they will work together to look at outcomes for children locally. I guess it is that emphasis on outcomes which has perhaps done more than anything else to move the debate forward. People have been very ready to look beyond their professional backgrounds or their organisational arrangements to consider how they can work together to improve a broad range of outcomes for children. Thus we have built those outcomes into the Children Act and we have built them into the change programme and they absolutely run through the inspection framework. While we all maintain a focus on those ultimate ends which are about children's lives, the incentive for organisations, professionals and the voluntary sector and all concerned to work together is very clear.

Q382 Chairman: We do not doubt the intention but when it gets back to this Committee that 70 out of 150 directors of Children's Services have now been appointed and 63 out of the 70 have been former directors of education, in a sense it does give a signal that this is all going to be rather biased towards the education world and the other partners are going to be minor partners.

Mr Jeffery: What is important about the appointment of a Director of Children's Services is that they have the leadership qualities, the vision and the ability to bring all those organisations together. They can come—some of them will come—from many different backgrounds. They will need to work right across the piece.

Q383 Chairman: They are not going to be from many different backgrounds, are they, if 63 out of 70 appointed were all from education?

Mr Jeffery: The figures differ as to exactly how many are in post or about to take up posts.

Q384 Chairman: You do not think that is an accurate figure?

Mr Jeffery: The figure is there or thereabouts; it is a little less than that from our understanding at the moment, but it does represent quite significant progress towards the appointment of that important role and, indeed, faster progress than was originally expected.

Q385 Chairman: You are not going to do very well if all the other partners are sulking in their tents because none of the top jobs have gone to their role.

Mr Jeffery: We do not have any evidence of other partners sulking in their tents. We do have evidence of many different partners talking to us about this. There is some concern—I would not deny it for a moment—on the part of ADSS about appointments. There are some quite significant appointments of people with social care backgrounds. There are very important jobs in social care as directors of adult services where one might expect some of those people to be looking as well. It would be good to have a broad range of people as directors of Children's Services.

Q386 Jonathan Shaw: You would be given a fairly hard rebuke if you started advising local authorities on who should they appoint, would you not?

Mr Jeffery: Beyond general comments on the generic skills which will be required—and colleagues may wish to add something on the draft guidance we have out at the moment on the role of the Director of Children's Services—we would not get directly involved in appointments, no.

Q387 Jonathan Shaw: Do you have any intention of doing so?

Mr Jeffery: We are not involved in those appointments.

Q388 Paul Holmes: You have talked in broad terms about the national service framework, however there are concerns that it is a great idea as a framework but is it any more than an aspiration? There is no funding to make it happen and there are very few specific targets or timetables to make it happen.

Mr Davies: There are a few points I want to make about the national service framework and we have heard these comments. The first comment about funding is that we are in a position now where we do not allocate money for particular purposes in the NHS, we give the money to the people in the front line—75% of the NHS money goes to the primary care trusts—and we ask them to deliver services and deliver improved outcomes within a framework set nationally. We are setting fewer and fewer targets and have made a commitment to set fewer targets to people locally. We have set fewer targets in the document which we issued earlier this year called *National Standards Local Action* which sets out the targets for people locally. Within that there are a few key elements which are germane to the national service framework. First of all, we have set targets which are reflecting the national service framework; we have PSA targets around child and adolescent mental health services and there is a whole standard around that which requires the delivery of a comprehensive child and adolescent mental health service everywhere. There are some very fierce targets around that for people locally. We have targets on teenage pregnancy and obesity which are joint targets with other government departments. We have PSA targets which we share with DfES which again are required to be delivered by the NHS locally. We also have a health inequalities target

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around infant mortality. So there are plenty of targets around the area of delivering improved services for children all of which are reflected either in the national service framework or we judge that if you deliver the standards in the national service framework it will help deliver the PSA targets. When we launched the national service framework the Minister said that although we were not requiring people to deliver it immediately, it is mandatory over a 10 year period. We have what we call for the NHS developmental standards which will become over time core standards so there will be things that all services and all NHS bodies will have to deliver. I feel that the money is out there.

Q389 Chairman: Where is it?

Mr Davies: It is with primary care trusts.

Q390 Chairman: If you are in West Yorkshire as I am, my primary health care trust ran out of money long ago; they cannot purchase any more operations from the acute trust let alone spend money on new responsibilities.

Mr Davies: I do not feel qualified to comment on the overall funding situation.

Q391 Chairman: If there is no ring fenced funding for this new responsibility how on earth is it going to be delivered now or in 10 years' time?

Mr Davies: There are four or five public service agreement targets which people will be required to deliver and that will, in a sense, require them to implement the national service framework. As you know—I think you took evidence from Anna Walker, the Chief Executive of the Health Care Commission—they will be looking at inspecting again the standards set out in the national service framework and that will be one of the biggest drivers of performance within primary care trusts. I feel that we have the leverage in place to support delivery of the national service framework. I would not deny that it is going to be challenging; that is why we are saying that it is a ten year programme because people are starting from very different points. What we have asked them to do is to determine locally what their priorities are for their local communities and populations in order to deliver it.

Q392 Paul Holmes: Is it the same situation with, say, head teachers who are involved in all this, but their main priority is their school and their league table positions and all the other government targets? Are they going to give full attention to this programme? Going back to the PCTs, they have 75% of NHS money but it is all committed already to different programmes?

Mr Davies: The performance of PCTs will be judged against their delivery of some of the key targets that they have been set, which include targets for children: child and adolescent mental health service, teenage pregnancy, obesity, infant mortality, inequalities. These are all important targets which they will be required to deliver and their performance will be judged against delivery of those

targets amongst others. There are other targets for the NHS and I think we recognise that. On the question of funding we know that there have been record levels of growth in the funding for the NHS but, as I say, I do not feel qualified to comment on general funding issues of the NHS or specific issues in Yorkshire. There have been record levels of growth and the money has been given to primary care trusts. It is better that primary care trusts have the money than I have it to distribute through some bidding process I feel.

Mr Jeffery: The implementation of the national service framework goes well beyond the health service and it is crucially a matter of co-operation between Children's Services generally—including local authority Children's Services—and it is very important that its standards are increasingly reflected in the inspection framework which the inspectorates are now drawing up. Then we can look at the area as a whole and see the progress which is being made against those standards on the part of all the agencies involved.

Q393 Paul Holmes: From the DfES point of view—as the Chairman said at the start—*Every Child Matters* brings to this Committee an area that we have never looked at before. Similarly for the DfES in general it brings in an area they were never involved in before; it is quite an expansion of responsibility. At the same time as taking that on the DfES has said it is going to cut staff by 31% in three years. How can you reconcile the two things?

Mr Jeffery: *Every Child Matters* and the appointment of a Minister for children does indeed bring a range of issues to DfES which we have not dealt with before, although it also brings together a number of key interests which we had in the Department including around SureStart and Connexions. Just as the Department is seeking a more strategic approach to its business, so we are in the Directorate. When we came together we had about 1100 people and we will be looking to reduce that in size over time. The drivers for that really are this whole system change which we are seeking to put in place and the development of a key role for local authorities leading children's trust arrangements locally. We need to support that change by moving out of the micromanagement of some services—after all we have been very hands-on in the development of early SureStart programmes—and by rationalising a lot of what we do. When all these functions came together we brought together a huge array, for example, of grant schemes. We need to think about how we use information much more effectively to support change locally. We need to think about how we do business; do we do it through the proliferation of guidance or do we do it through seeking to work much more in concert with our partners who are leading change on the ground? We will be reducing in size but we will be seeking to do so in a way which is about supporting change for children.

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Q394 Paul Holmes: So the cut of 31% in staff will not undermine the service the DfES delivers and are you saying that none of it will be offset by just moving those staff over to other bodies, to quangos or to consultancies?

Mr Jeffery: By and large we will come down in size alongside and perhaps a little bit more than the departmental average. We are saying that we think we ought to be able to work in a way which is more supportive of our local partners. One of the things that we have at the moment is a substantial array of field forces and that has followed almost inevitably from having an array of different policies sometimes driven out of different departments. It is not a criticism of the way people have put policies together to say that in the past inevitably they have said, "Right, we must have a field force to work out there with our partners" but whether that is the most helpful set of arrangements for partners is very debatable. They may find they have too many well-intentioned people coming to them to help them deliver change. We need to rationalise those arrangements; we need a more effective way of working through government offices and we need authoritative respected interlocutors with key people leading change in local areas. We have a lot of work to do around that as well.

Q395 Paul Holmes: There is no hint there that reducing the staff would partly be done by simply moving their functions to other departments.

Mr Jeffery: In a sense this is about moving responsibility for strategic change to children's trust arrangements and local authorities, if you take the SureStart example; it is not about moving it to a plethora of non-departmental public bodies. We do not have a plethora of non-departmental public bodies in this territory.

Q396 Helen Jones: I want to follow up what you said, Mr Davies, about the national service framework for children because we are hearing a lot of talk both from you and your colleague about delivery on the ground but in my experience departments are very good at drawing up strategies and not so very good at seeing them implemented on the ground. Without ring fenced funding for the national service framework for children, is this not all a bit of moonshine? You are expecting it to be delivered by PCT boards who are untrained by and large in this area and who face a number of competing demands. Are you convinced they are going to put this NSF at the top of their agenda? Yes, they will be inspected but the chickens may come home to roost several years down the line and some of them could be gone by then.

Mr Davies: It is a very good point you make. I think our experience in the Department of Health—where we have been through a change which Tom has just described the DfES is just beginning, one where we have reduced our number of staff by 38% within a year so we are a very much leaner and fitter organisation than we were a year ago—is that we do not drive things from the centre. We support people

locally delivering services and it has been a big shift for us in our mindset as to how we work with people locally. I know health is not your key area of interest but one of the key government targets for the NHS was to reduce the amount of time that people wait in A&E departments. I was responsible for that target until a year ago and by and large there has been huge progress made on that without any ring fenced money at all; there was no money allocated specifically to that target although it is a different type of target, I admit. I think the point is that money is not the answer to these questions. What people are looking for is support and advice and help to deliver services locally, to deliver change locally. We have good experience of putting in place systems of support for people through things like the Modernisation Agency in the National Health Service, through the National Institute for Mental Health (in another area for which I am responsible, mental health services), where people work alongside local services to support their delivery of change and to advise, to help and to share good practice. That is a model that we support and we promote and is actually effective. If we just gave them the money I still do not think it would be delivered because this is about a change in the way of working.

Q397 Helen Jones: Are you then telling me that you are convinced that in delivering this through PCTs you have in place chief executives of PCTs and PCT boards who fully understand the necessity of this? I am not convinced from my experience that they do. They may be very willing but I have experience of a no-star PCT. They do not the training or the expertise to do this, have they?

Mr Davies: I understand that and I would like to make the point that it is not just through PCTs, it is through the whole of the NHS and through their partners as well. The national service framework is not just about the NHS, it is about the NHS working with its partners and that is part of why we are using the Change for Children programme as the framework within which it is delivered. I think that is one aspect of this, that it is not simply an NHS issue. I know what PCTs are concerned about, they are concerned about their financial bottom line and they are concerned about delivering access targets and delivering improvements in particular service areas. However, they have a responsibility to all the citizens they serve; they have welcomed the national service framework by and large and they see this as an important set of standards. It is a ten-year strategy and if people at the moment do not understand the importance or the consequence of the national service framework then that is the challenge for us over the next 10 years. It was published in September last year and we set it out as a 10 year strategy and we are only at the start of what I think is a very long journey. Some places are further down the road than others and clearly your primary care trust has a lot of work to do but that is precisely why we want people out there to work alongside them. I think for people working across

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education, health and social services we have regional training advisors who are jointly appointed by Education and Skills and Health to support them. I take your point that it is a long journey we are on and it is a challenge; it is the largest most comprehensive set of standards for Children's Services anywhere in the world and if in 10 years we can look back and say that we have delivered it then we will probably have the best Children's Services anywhere in the world.

Mr Jeffery: Sheila Scales does a lot of work on supporting change, including issues of leadership locally and at some point—now or in due course—Sheila may want to say something about that.

Q398 Chairman: Sheila Scales, we would be delighted to hear from you.

Ms Scales: Mark mentioned that we have put in place 10 regional change advisors to help support this agenda and they are jointly owned by the two departments. That has meant adding to the number of strategic advisors who are out there helping and supporting across the piece. We have education advisors—as you probably know—working with local authorities as well and the Social Care Inspectorate also has advisors. What we are trying to do is to bring those together into a single force by April of next year so that we have a joined-up set of regional advisors who can talk with authority to local authorities, to PCTs and hospitals and make sure that where there are issues locally that need to be pursued we can put our collective effort towards getting those sorted. That would be one of their roles. The others—and this is about the issue of sharing good practice as a key driver for change in this new model which we are very conscious of—is that we have done quite a lot of sucking good practice up to the centre and trying to bottle it and use it as the basis for a lot of the advice and guidance that has gone out. We prepare that in consultation with a lot of our partners. What we really think would be powerful is developing much more lateral arrangements for transmitting good practice and developing networks. We have a network already of the new directors of Children's Services whom we bring together to share their own good practice and help with that leadership challenge which they all have across the piece locally. We are also starting to run some regional events starting next week up in the north east which will bring together all the key partners locally—education, social care, health, the police, the whole package of partners—and start to use those as the basis for regional networks for sharing good practice and making sure that those who are leading edge in this (as Tom says, a lot of people are way ahead of us in terms of developing this policy on the ground) can actually help those who are finding it more of a struggle and use that as an effective way of driving change without us having to do it all from the centre with our smaller forces.

Q399 Jonathan Shaw: Are there regional advisors for particular areas within Children's Services? If I am running a local authority do I get one regional

advisor providing advice across the piece or are there separate ones for education, for child protection, et cetera?

Ms Scales: As I was trying to explain, currently we do have a set of advisors.

Q400 Jonathan Shaw: I think there have been complaints from local authorities that a regional advisor turns up and says, "I can advise you on this." "But what about SEN?" "Ah, sorry, not me, you have to wait for the next one to turn up." It is not very integrated.

Ms Scales: We know that we start from a complicated position of having education advisors, of having social care advisors embedded in the Inspectorate, but what we are trying to do is to bring together those advisors and the new change advisors who have a much broader remit and their backgrounds are in either health or social care or education, but they have already got a remit which stretches across the whole of this change programme. We know that it looks a bit messy this year, it is a bit of a team sport because all of those advisors do still exist, but by April next year we hope to be moving to a position where each local authority, each area, each joined-up set of Children's Services will have a single authoritative voice from government that they can talk to about the whole range of things.

Q401 Jeff Ennis: My first question is a follow-on about the information we are getting back from the regional change advisors and the new body of advisors that were implemented who have the broader remit. What sort of feedback are you getting in terms of the potential stumbling blocks and the most promising aspects of the establishment of the children's trusts?

Ms Scales: It is obviously still a very mixed picture because people are starting from different places. I think there is enormous enthusiasm for the agenda; that is one of the things that is coming back to us, a general recognition that this is a positive way to go. There has been a lot of work on assessing needs and starting to analyse across the piece exactly what issues are being faced locally based on the outcomes framework which a lot of people are finding very helpful to break down the sort of siloed analysis of issues that they have been doing in the past. There is also a lot of on the ground joined-up activity, a lot of it coming from the programmes that we have developed in the past such as SureStart where there has been a concentrated effort on little bits of joined-up activity. I think people are recognising the challenge of moving from that to a genuine, across the board re-engineering of the way in which they do business from the top to the bottom. A lot of them have change programmes very firmly in place and recognise that unless they do tackle it top to bottom there will be those problems.

Q402 Jeff Ennis: Are there not major problem areas then?

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Ms Scales: There are lots and lots of problem areas. I think a lot of areas have discovered that building on existing partnerships has been a very strong suit. Those who have been a bit slower in forming those partnerships are finding the sorts of things that we have been talking about—bringing health on board, getting their schools engaged in this agenda—more of a challenge and I think it is one of those things that some of this regional sharing will help us to do. Helping those who are finding this a struggle to learn from those who have actually made a good deal of headway will be very useful. People are finding some of the more technical things about budget pooling a bit of a challenge but again I think recognising that that needs to build up from shared needs analysis to shared planning because people are coming together now actively to prepare their first Children and Young People's Plans across the piece. That is a way in which they will start to get into some of those more strategic issues about use of resources.

Q403 Jeff Ennis: That leads me very nicely onto my next question because in your memorandum on page six, paragraph 21 you refer to the fact that "Section 10 of the Children Act allows the pooling of budgets and other resources, which can include staff, goods, services, accommodation". Does that mean that we are going to see the pooling of budgets or will it be left to the local boards to decide whether they need to pool their budgets or what?

Ms Scales: I hope it is yes to both of those options. There is no formal requirement to pool budgets but we hope that increasingly people will see that one of the things that has got in the way of sensible decision making and the best use of resources has been some of these artificial distinctions. Some of these distinctions we are removing ourselves by trying to strip out separate grant streams that have got in the way of common sense decision making, but equally at local authority level it often helps—and this is something that has come back from the feedback—that the way you have grass root staff not trying to defend the budget and move somebody's problem to somebody else's budget, but seeing it as a collective budget and a collective problem, you start making much more intelligent decisions about what to do.

Q404 Jeff Ennis: So you see the pooling of budgets very much as the norm, as we have in Barnsley or we are going to have in Barnsley shortly.

Ms Scales: We certainly think it will be a very, very powerful tool.

Q405 Jeff Ennis: Barnsley is leading on this, as usual, Chairman. Turning to stronger partnerships—and that is effectively what we are trying to do with this legislation, to build up stronger partnerships and who leads the partnerships is going to be key I guess in how successful the partnerships are—who do you foresee to be chairing the partnerships? Will it be a professional like the Director of Children's Services? Or would it possibly be a lead member from the local authority?

Ms Scales: We certainly have not tried to be at all prescriptive about how local structures of that sort work, not least because it is important for local areas to build on successful things that they have in place locally. It is not for us to seek to design those sorts of things from the centre. We are putting in place through statute a single lead member who will be in a very powerful position to take that leadership role and also a Director of Children's Services who will have that duty. The local authority, because it has a duty to make arrangements to secure co-operation will have to take the leading role in developing and devising those arrangements. Exactly how they work on the ground is for local determination. In Knowsley I think it is their local partnerships are actually based around clusters of schools and they have head teachers chairing them on a sort of cluster regional basis. They have found that to be very helpful, but we would not want to prescribe that.

Q406 Chairman: Just to interject for a moment, this is all rather good but there are some rather jargonistic terms being used here. What is the sort of platonic idea of the children's trusts? What is the ideal trust? What does the architecture look like? Show us a children's trust; paint a picture of a children's trust.

Mr Jeffery: We have sought to draw a picture. I had better introduce it at this stage; it has become known as the onion. You may have seen a series of concentric circles where we have outcomes for children and the involvement of children and young people and families at the centre and then we say that there must be purposeful activity at each layer of those concentric circles if we are to have proper co-operation in practice and if we are thus to have children's trusts arrangements in practice. There must be integrated activity on the ground close to children, for example in the form of children's centres, extended schools, multi-disciplinary teams based around schools or elsewhere. There must be common processes working right across the children's workforce so that a common assessment framework and information sharing are very important. There needs to be a local strategy which is all about needs analysis and vision and a shared idea of the outcomes to which the local area is aspiring. There needs to be some governance arrangements to hold those things together through tough times as well as good, so it is sustained over the long term. In working through our field forces we are seeking to say to colleagues and partners out there that it is not one of these things which makes a difference, it is all of them in concert. We have been trying to get away from the notion that it is something to do with, if this is ever so reasonably simple organisational change which gives a children's trust in action, it is all these things working together.

Q407 Jeff Ennis: Pursuing the potential of a lead member who has to be defined now by law, that is going to be a really important job. What preparation is being made for councillors or individuals to carry

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out this particular task? Is the Local Government Association, for example, aware of the situation and what are they doing about it?

Ms Scales: Yes, they are talking to us a lot about that. The IDA is running some specific courses which people are very keen to attend and to get to grips with this agenda. I think there is a recognition about what a big role it is. One interesting way in which local authorities are working to have maybe a team of members actually supporting the individual lead member because of the size and scope of the role. There is indeed training designed to help.

Q408 Jeff Ennis: In the more deprived parts of the country we are seeing the development of children's centres now in particular. Does this particular legislation mean now that the ideal location for a children's centre would be adjacent to a school campus or can they be in different locations now?

Mr Jeffery: Once again that will be for local determination but we did publish just before Christmas the 10 year childcare strategy which, as you know, envisaged the very significant expansion of children's centres and also the provision of childcare through schools—not always in schools, but through schools—and certainly the co-location of children's centres with schools or on adjacent sites is a possibility or (and there are one or two instances of this) with further education colleges, for example. So you can envisage in some parts of the country campuses and some of that is beginning to happen; all sorts of institutions are coming together on the same site or very close to each other.

Q409 Chairman: One thing that seemed to be missing from the outer level of the skin of the onion was national co-ordination and you actually touched on it in your last answer. You have a 10 year childcare strategy; there is a five year education strategy. Do they join up at the national level? What about the healthcare strategy?

Mr Davies: The national service framework is a 10 year strategy. We also have—as all Government departments have—a five year strategy for the health service but they are consistent and coherent.

Mr Jeffery: We have been working very hard ever since the machinery of government changes to get greater coherence, co-ordination, clearer communication across all the Government departments concerned with children's issues.

Q410 Chairman: Even the Home Office with youth justice?

Mr Jeffery: Decidedly with the Home Office and youth justice. At ministerial level you will know that there are cabinet committees and there is Misc9(D) which is the cabinet committee charged with the delivery of this programme and we have a wide range of government ministers coming together on that. We then have a programme board which I chair and which does bring together the key senior players from every government department and also from the inspectorates to take a broad view of the *Every Child Matters* programme.

Q411 Chairman: The reason I am pushing you on this is because, as a member of the Liaison Committee, I have pushed before with the interviews with the Prime Minister on the very fact that where delivery is the weakest it is when the policy has to be delivered across more than one department. That is when the real test of joined-up government takes place. Why we are pushing you is because this is a very complex bit of joined-upness and there are a lot of warning signals. As soon as you get policies that have to go across many departments there is a tendency to put them really rather low down on the priority of the department; there is a day job to do in the Home Office, there is a day job in health and in education and in elsewhere and it is really difficult to tug Ministers and officials out of their day job to do something different.

Mr Jeffery: I completely accept that, Chairman, and it is something which we are tackling with a will. It is absolutely at the heart of my day job and the day job of the Department for Education and Skills, but I am absolutely confident our partners across government recognise their part in it too and it is a genuine cross-government venture on behalf of better outcomes for children. This programme board that I was describing does have the commitment of very senior officials. The heads of the Inspectorate and others come and we have serious discussions about how we can make this programme work. It is indicative, for example, that before Christmas when Mark and his colleagues were bringing out the implementation plan for the National Service Framework that we were absolutely clear that the *Every Child Matters* programme and that implementation framework went together. Stephen Ladyman was there together with Al Aynsley-Green, and Margaret Hodge was there virtually and I was there on the platform as well. We launched this together.

Q412 Chairman: What do you mean that she was there virtually?

Mr Jeffery: She was there on a video. You take the point that it is not just that we are sitting round a table purposefully in government; it is that we are seeking to organise these change programmes in a coherent way. Of course there are tensions and of course departmental priorities sometimes pull against each other; of course we work on that all the time. I genuinely believe that this has been a significant step forward and there is a real commitment—I am absolutely clear of this with colleagues in the Department of Health—to effective cross-departmental working.

Q413 Jonathan Shaw: Head teachers are going to be essential in order to deliver extended schools. Can you tell the Committee what discussions you have had about the obvious tension where head teachers' focus has been—and I guess will remain—to improve performance, to improve education performance and exam results and SATS results, et

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cetera? Now you want the head teacher to co-operate and give a lot of energy and effort to integrating services. Tell the Committee what discussions you have had about that tension.

Ms Jackson: As with working with other government departments a lot of it comes down to recognising that we have a tremendous common cause here because particularly with head teachers it is part and parcel of helping children to achieve academically, that they have the right sort of contact and the right support, and where there are barriers to learning which some children experience more intensively than others that the right sort of support is in place within the schools and also in schools in their local community to help tackle those barriers. We have been doing a lot of work specifically across the Department with colleagues in talking to head teachers' reference groups and talking to implementation review units run by head teachers about the practical implications of this with those involved in the school workforce agreement with the teacher unions. The practical implications of *Every Child Matters* for schools, the way in which well-being and standards are really integral to each other and the way in which the thinking that we have evolving here can help head teachers and which they can then play back into that.

Q414 Jonathan Shaw: That gives us an overview but it is not all plain sailing, is it? You said yourself you have this head teacher group; they will not just agree to do it, they would ask questions. Tell the Committee what are their questions?

Ms Jackson: Specifically head teachers want to understand what the implications would be of, say, some of the common processes that Tom and colleagues talked about earlier. If you are thinking about a common assessment framework which will be a shared initial assessment for children with complex needs, is that going to be too bureaucratic for schools? Is it going to be more trouble to them filling it in than the sort of response that they will get then when we use this? The trailblazer activity on the ground and the pilot are showing some very interesting evidence of the way in which schools and other services can work together using the common assessment approach backed up by better sharing of information to get more effective support for children who need it. That is one example. I think another example I would like to mention is extended schools and the increasing co-location of services in schools. If what we are about here is getting a better interplay between universal services for children and then specialist services coming in behind, the way in which, over time, schools can become more centres of community resource is one of the practical long term developments.

Q415 Jonathan Shaw: Let us consider the very marginalised family or marginalised child displaying a whole host of different difficulties and for that family, their experience and that child the last place in the world they want to be is at that particular school (an extended school), so while all the focus is

on providing services at the school is there a tension between this particular vulnerable group that really have no real positive relationships with the schools institution.

Ms Jackson: There is a distinction between the service being provided actually on the school site and the school acting as a gateway to the people who can help that child and family in whatever way is most appropriate to them. Sometimes they may feel comfortable accessing some sort of support through school; sometimes it may be a very special need which is actually more sensible to provide centrally so I think there is going to be a different sort of pattern. One of the things we do not want to do—again because it is much more sensible for it to be worked out locally—is to define very precisely what the exact pattern of services will be for any individual school.

Q416 Jonathan Shaw: I think it is absolutely right that you do not want to be very prescriptive; that is what the Minister of State has said along, that it is about developing a bottom-up approach. However, it cannot be so bottom-up that gaps appear. When gaps appear we have Victoria Climbié and cases like that which appear.

Ms Jackson: Schools are looking for guidance on the practicalities and so we know that there are a set of questions around what is the funding going to be, what support will we have, what will the governance arrangements be in a school, so we are taking those into an extended schools prospectus which we are working on now—we hope it will be ready over the next few weeks or months—and which will start answering some of those practicalities and then again we are working with schools on the ground to understand how those work out. The other dimension you raise about the need for a dialogue between the individual schools and the authority and its partners in the children's trusts arrangements about what exactly a pattern of extended services ought to be, we can see some areas developing services based round clusters of schools. Knowsley is the example that Sheila mentioned earlier; other areas are looking to ward-based services. I think there needs to be a process of discussion at local level between trusts and schools about the most sensible way forward for all of the partners.

Q417 Jonathan Shaw: The school does not have duty to co-operate—there has been a lot of debate about that throughout the passage of the Bill and that continues—so what happens if one area of policy is going in the direction of schools being more independent and they say, "Sorry, children's trusts, it is nothing to do with us; forget your extended school." The head teacher says, "My concern is standards; that is what the parents in this community tell us they want. We will get on and if there is a problem we will ring you, but I am sorry I do not have time for all this paraphernalia with the common assessment." Have any of the head teachers given you sentiments like that?

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Ms Jackson: It is because of the need for this dialogue between school and local authorities that we did not think that a blanket duty to co-operate was going to be terribly meaningful. There is specific legislation though in two areas that are worth highlighting. One is that there is a duty on schools to safeguard children and protect their welfare which stems from the Education Act 2002 and we have just put guidance out on that. That clearly is something the local children's safeguarding board will be looking at.

Q418 Chairman: That might be a very easy job in a leafy suburb, but if you are in a challenging school in a more deprived area you might be turning the head into a director of social work instead of doing his proper job as a head.

Ms Jackson: Indeed, which is why it is so important to get the right sort of support around schools so that they do not feel that they are being asked to take on a lot of extra responsibilities. However, it does mean that when we say to schools that it is important for children to have access to sport, to cultural activities, for the staff to be sensitised to safeguarding issues that they understand then what other support is available around schools and from the authority that can help them. If I may just come back on the other piece of legislation which is currently before Parliament which is relevant here, we are also amending the inspection criteria for school inspections to recognise the contribution that schools make across all of those five outcomes. It is right that schools' contribution towards helping children achieve on all five fronts is recognised

Q419 Jonathan Shaw: One of the areas that is going to be essential is that of training. In their evidence to us the Association of Directors of Education and Children's Services—the 63 former education directors—have said that staff are going to need three days' training. Who is going to pay for that? Is that back to the PCTs again? The Association of Directors of Education and Children's Services—I am sure we will get used to the acronym and it will trip off the tongue as many others do that we are used to and familiar with, but that one perhaps not so at the moment—have said that we need to have three days' training for staff in terms of child protection and integration, is that something you are looking at at the moment?

Dr Pugh: We are looking at training needs across the piece and we would be happy to talk further later about the proposals that we will be putting forward in the workforce strategy that Tom referred to in his opening remarks. Clearly there are already obligations for a good training in order for practitioners to carry out their existing responsibilities. In some areas of our work—in information sharing and common assessment for instance—we have included some provision for training in the funding that is available through the change fund, for instance. We are working closely with the Association that you referred to and,

indeed, a range of other representative organisations to discuss skills and training needs, so there will be training needs.

Q420 Jonathan Shaw: They are saying that there should be a minimum entitlement to three days of joint training for all staff across agencies.

Dr Pugh: We have not been speaking in terms of an entitlement to training. We certainly have been looking to identify what training needs there will be in particular areas like the common assessment framework for instance. However, we have not been discussing entitlements because again, as Sheila mentioned in her earlier comments, circumstances will vary from area to area and there will be differing needs across different sectors and in different types of skill areas. We do not think that entitlement is the most appropriate approach.

Q421 Jonathan Shaw: These 70 people, why would they say that then? Is this just a bargaining chip? Are they trying to put pressure on the departments to give them some money? Why would they say that everyone needs three days of joint training before the trusts are established?

Dr Pugh: It is not for me to speculate as to why they might say it, but let me comment on a couple of things. First, I can well imagine why they might understand the value of joint training. The experience in our information sharing trailblazers, for example in some of our other pilot projects has shown the huge value to be gained by practitioners and professionals from different sectors—social workers, teachers, nurses—getting together in the same room and thereby effectively doubling the value of the training because not only do they learn about the skill that they were in the room specifically to learn about but they also learn about starting to build those relationships that are going to be so important to making this agenda work on the ground. I can certainly understand why they would emphasise the need for joint training. As to the specific notion of a particular number of days, I can only imagine that they have arrived at that figure through speaking to their colleagues across different local authority areas. We have not had any discussions with them about the notion of an entitlement as such, but we have certainly talked to them about the importance of training and the importance of joint training and the value that can bring.

Q422 Jonathan Shaw: Do you know how much the Department spent on training for Children's Services last year?

Dr Pugh: I am afraid I do not have that figure.

Q423 Jonathan Shaw: In terms of this training, are the departments going to pool their budgets to assist this? Is there going to be some pooling of budgets at a national level as well as at a local level to assist in paying for the training?

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Mr Davies: I can write to you with the information, but it is not my understanding that we hold budgets at the centre for local training. We hold significant levies from the NHS for medical education and training which is a completely different issue, but I do not think we hold it for those types of localised training programmes.

Q424 Chairman: It is a bit worrying because in one set of questions you say there is not going to be any special money for this and now you are saying there is no resource for the training of personnel.

Mr Davies: I am not saying there is no resource; I am saying that we do not hold it at the centre. The question was about whether we are going to pool it centrally. People will have local training resources available but the Department of Health does not hold it for them.

Ms Efunshile: You talked about training for safeguarding as a particular example of one those three days and I think it is important to recognise that local areas already have training programmes. There are already resources on the ground for training and what we will be expecting and wanting local agencies to do is to bend those training opportunities so that they are taking account of the changed agenda. Over the course of this financial year and the last financial year as an example we have had a safeguarding children grant which has been issued to local authorities, £90 million each year. We have not said that this is a sum of money for training; we have said that this is a sum of money to assist you as you move forward and improve the levels of your safeguarding and training will be part of that. Whilst we will not be saying that there is additional money for training we would certainly expect existing resources to be taking account of the new duties for example under Section 11 of the Children Act 2004 where they have a new duty on a wider range of agencies to safeguard and promote the welfare of children and, indeed, to co-operate under Section 10.

Q425 Jonathan Shaw: So this will be replacement training. If they have their budgets and they are using this money presumably for things that you approve of in the first place, there is going to be additional training or it is going to have to replace some existing training. That is the implication of what you are saying.

Ms Efunshile: Indeed, but we do not have central pots of money which are labelled “training” for this agenda. There are resources which are allocated to local authorities and other agencies on the ground from which they can train; they can use resources to train. It will be down to local agencies themselves to work out across that range of agencies at the local level—the children’s trust, the local safeguarding children’s board—to work out what those training priorities are and how they are going to use their existing resources in order to deliver that training.

Q426 Jonathan Shaw: In the many discussions that you have had, Tom Jeffery, with the various representative bodies that represent the agencies that are going to deliver *Every Child Matters*, have any of those agencies at any time said, “Look, it is essential that we have some more resources for training if this is going to happen”? Has anyone said that to you?

Mr Jeffery: I am sure they have said words to that effect and we are making available a change fund, as you may know, over the next three years for local determination as to how it is spent in support of the *Every Child Matters* agenda. There are substantial resources out there at the moment as colleagues have said. We are also developing a workforce strategy and we will want to continue discussions with all our partners about workforce issues. I absolutely take the point that here we are right into the heart of change on the ground, change in understanding and culture and people working together, and many of the programmes which we are putting in place—including common assessment, including information sharing—are already generating and have done for some months if not years now people working together and training together in a quite unprecedented way.

Q427 Helen Jones: Can I come back to this training because it seems to me that we have two problems in what we are setting up here. One is that teachers do not receive training in child protections during their initial teacher training and yet schools have a duty to safeguard children’s welfare. Are we going to do something about that? Who is safeguarding children? The person who often has most contact with the child at school who might most immediately notice if something is wrong is their teacher. Why are they not trained in child protection, and are they going to be?

Ms Efunshile: I am a bit flummoxed because in my experience there is significant training in schools.

Q428 Helen Jones: I am talking about initial teacher training first of all.

Dr Pugh: One of the areas that we have been developing in working with a wide range of organisations over the last year or so has been the development of something that we are calling the Common Core of Skills and Knowledge that we expect will become the foundation of induction across the range of Children’s Services. We have the support of our colleagues in the Teacher Training Agency and we have discussed that with other representatives of the schools’ organisations precisely with a view to seeing how we can fit that Common Core within initial teacher training. The Common Core includes within it a number of units of core areas of skills and knowledge of which one is precisely safeguarding children so I think I can say to you quite directly and specifically that that is one area that we are looking at particularly.

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Q429 Helen Jones: So it will become a component in initial teacher training. Is that what you are telling us?

Dr Pugh: That is what we are looking towards. We are about to publish a prospectus for the Common Core hopefully in the next few weeks and we are discussing through the shadow Children's Workforce Development Council that has been established and it, in turn, through its wider network that it is working with—which includes the teacher training community—how that Common Core can over the coming months and years become firmly embedded within the initial training of practitioners across the full range of Children's Services including teachers.

Q430 Helen Jones: That is very helpful, but let us go back to the teachers who are already in school because there are a huge number of calls on the training budget in schools as you would expect, so if we are going to move into this whole area of involving schools very closely with an extended range of services, how are we going to ensure that the teachers in the front line are actually trained in child protection and are trained in working with all the other services that they have to liaise with? The three teachers here would tell you that currently that does not happen. How are we going to do that? Please do not tell us that it is for local decisions because heads have so many calls on their budgets and this quite frankly is not going to be at the top of many people's agenda unless we find a way of making it so.

Ms Efunshile: Can I speak as a former teacher as well? We have existing arrangements and in every area there should be an area child protection committee. The best area child protection committees will be working out across the agencies what the training requirements are, what the training needs are in that local area in order that there can be satisfactory child protection practice. As we move forward we are wanting to build on the best practice in those existing local child protection committees by establishing local safeguarding children's boards and again we will be expecting that it will be very clear that part of their duty will be to assess, to audit and to look at what the training needs are in that local area in order that they can improve the level of safeguarding jointly across the range of agencies and of course in the individual agencies who are the constituent members of that safeguarding children board.

Q431 Chairman: Can we get the terminology right? You started off by saying they were called child protection committees; they are really safeguarding children boards, are they not?

Ms Efunshile: If I could clarify that, there are two slightly different things. At the moment every area should have an area child protection committee but we know that there is variable practice across the country in terms of the effectiveness of these bodies and one of the most important factors there in terms of the variability is that they are not statutory bodies, they are in fact voluntary bodies. Whilst it is

the norm to have an area child protection committee in fact they do not have to have one and there is no duty on the local agencies at the moment to participate in the area child protection committee or to contribute to it. The Children Act 2004 establishes local safeguarding children boards which will be in place across all 150 local authorities by April 2006 on a statutory basis, very much building on the recommendations which emerged from Lord Laming's inquiry where what he wanted to see was a much firmer line of accountability in terms of safeguarding and child protection. Training will remain one of the key responsibilities of the local safeguarding children boards. Their role in fact is in two parts. One is to monitor the level of safeguarding across the local area and secondly to monitor and to challenge the level of safeguarding in the respective bodies that make up that safeguarding board. They will include education, police, various National Health Service bodies, probation and so on.

Q432 Helen Jones: That is helpful but we are still back to the position that Jonathan raised earlier that you can do all that monitoring and evaluating but if the individual head says, "It's not my policy, I'm not releasing my staff to go on that course" then we are not getting anywhere, are we?

Ms Efunshile: If we look at the range of levers that are available to us and try to use those levers, one is the duty because there is a duty on schools to safeguard and to promote the welfare of their children. Guidance has been sent out which, in fact, will mean that they should under legislation participate in safeguarding activities across the area. Secondly, I think Anne has mentioned the performance management framework so the inspection framework for schools will in fact look at the extent to which schools and an individual school is contributing to the improvement of the five outcomes for children, one of which is, of course, staying safe. Individual schools' activities in terms of safeguarding will in fact be a part of how they are inspected and how they are judged. Those are actually quite important and powerful levers on the school in order that they do take part in, for example, releasing teachers for training.

Q433 Helen Jones: Can I just ask you before we move on about another group of staff? I am thinking of who the child is going to come in contact with most of the time because I think that is the key. In early years they are often not even trained nursery nurses. There will be some trained nursery nurses about but very often they are people who have not had much training, often quite young, who are very badly paid. How are we going to expect these people in these frameworks to recognise not simply when a child is at risk of harm but when a child has particular problems that may need early intervention? How are we going to get these people trained? The reality of life is that those are the people who are going to be dealing with the children in early years care on a day to day basis. I think that is

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perhaps where we have a real problem. Other countries have people who are well trained; we have an under-paid, under-trained workforce. How are we going to raise the game there?

Mr Jeffery: The development of the early years' workforce was a major theme of the 10 year childcare strategy. It will be a major element of the workforce strategy on which Jeanette is currently working so I wonder if she would like to say something.

Dr Pugh: The 10 year childcare strategy that was published in December highlighted the crucial importance as you have mentioned of raising the quality of the workforce working with very young children.

Q434 Helen Jones: Could we say raising the training? In my experience they are often extremely good people; we are not making a judgment on their character but on their training.

Dr Pugh: I think the two go hand in hand. As Tom mentioned, the workforce strategy will be highlighting the early years as a particular priority and looking at coming forward with propositions around strengthening the leadership in early years settings, looking at the notion of how we raise the levels of all those who are working in early years settings, looking again at making the Common Core a foundation for training for everyone working with children including very young children. I think that will address some of the points that you raised in terms of raising awareness of the signs to look for, how to identify when a child might be having a particular need or having a particular difficulty that needs to be addressed. It is absolutely a top priority because, as you say, those workers come into contact with a lot of young children and, as we know, intervention in the early years has such a vital part to play in the overall development and future of those children and young people and in fact on their later life. I completely agree with you and we will be saying more about this in the workforce strategy.

Q435 John Greenway: This is very interesting and presumably the intention is that the Sector Skills Council will be responsible for delivering much of this training. Can you clarify for us that the Sector Skills Council is not about teachers, it is about the non-teaching workforce?

Dr Pugh: The new Sector Skills Council is a UK-wide body. The Children, Young People and Families Workforce Development Council is the name of the England based council and I think the basis of this discussion is that it is this council that is germane. Its footprint covers early years, social care and youth work so it brings within it the half a million or so workers that are embraced by those sectors. I mentioned earlier—this is quite an important part of how it operates—that under the chairmanship of Paul Ennals the shadow council (because it will become fully operational from April) has organised around it a wider children's workforce network that draws together all the other relevant sector skills councils and like agencies—like the

Teacher Training Agency, skills for health, skills for justice—to talk about how we can develop a stronger common culture, common training requirements, looking at the revision for instance of occupational standards, looking at the review of qualifications, working with us on the development of more coherent career pathways across the whole children's workforce that allows clearer progression within sectors and indeed greater lateral movement across sectors as well as more flexible entry points at different points along the qualification structure.

Q436 John Greenway: I think the question that your answer to Helen Jones begs is: who is going to be responsible for delivering this training and who is going to pay for it?

Dr Pugh: The Children's Workforce Development Council with partner agencies (the Teacher Training Agency in particular will have a particularly crucial role because of the points you made earlier about teachers) will be responsible for designing training, providing support; the funding is something that we are needing to work through because as yet we are not clear about our precise funding allocations. As Althea and other colleagues have highlighted, there is already funding available within local areas and local organisations to support training, so it is not a net addition that is needed. It will be about changing training as much as additional training to support this agenda. The Children's Workforce Development Council will play a crucial role in this.

Q437 Chairman: Just to sweep up one element of that, it is clear from listening to people as senior as you from the Department—you talk in theoretical terms largely, and that is understandable—that what is coming out of some of the questions here is what is the difference going to be to the average social worker, health visitor and teacher or head on the ground? How much change will there be to their lives and are they being communicated with now? They are the people who will deliver this policy so how far are they aware of it. Are they going to meet each other more often?

Mr Jeffery: There is communication with teachers on the ground. For example, you may know we have a teachers' magazine, one for primary, one for secondary, that is carrying a lot of information.

Q438 Chairman: Teachers TV is launched this afternoon; perhaps that will be used.

Mr Jeffery: Teachers TV is a potentially seriously helpful medium.

Q439 Chairman: When is it going to enable them to meet with social workers and health visitors?

Mr Jeffery: It is happening more and more. Of course it is happening through SureStart local programmes but it will happen more through the rapid development of children's centres, it will happen through extended schools, it is happening through the training which is taking place particularly in the trailblazer areas but more widely around information sharing. I think it is a very real

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challenge for us all communicating effectively in powerful language in a way which really enthuses front line workers and gets them to own change and take it forward. That is something which we need to work on very, very hard indeed. We need to learn from them what they would like and it is a real challenge.

Q440 Chairman: I understand that is a challenge and that is why we have been probing that, but most of these services have been delivered in the context of a community generally. Increasingly one bit of government policy in terms of specialist schools and diversity programmes this Committee has looked at in some depth and this is actually taking many schools away from being community schools. If you want technology you go five miles up the road, if you want foreign languages you are going somewhere else and so on. Yet in a sense the Children Act that you are having to implement runs across that; really you are trying to recreate communities round schools. If the children do not come from the community in which the school sits, that is a problem, is it not?

Mr Jeffery: And it takes us back to many of the points which Anne Jackson was making. You will know from your inquiries around schools that part of being a specialist school is having a community policy within that specialism.

Q441 Chairman: It is a strange different community.

Mr Jeffery: Not necessarily.

Q442 Chairman: It is if the children are not coming from the community in which the school sits.

Mr Jeffery: But it still sits in a community and will work with the community schools.

Q443 Chairman: It may well not sit in the same local authority area so the social workers will be different, it may be in a different health authority area so that the health visitors will be different.

Mr Jeffery: I think we cannot legislate for those boundaries. There are bound to be those issues locally, but I do want to stress this, Mr Shaw asked earlier about what we were doing in terms of talking to head teachers. Another thing we are doing is working and talking to the National College of School Leadership which will have a very important role in this territory. It takes us back in a sense to training as well. I was talking only the other day to their executive leadership course and that brings together head teachers with five or more years' experience who are top heads in their territory. We talked all through this in some detail in a very free flowing seminar and there was really huge enthusiasm on their part for their engagement with this agenda. Their key message to us was actually about communications: "Tell us more about what this is about"—the prospectus which has been mentioned was seen by them to be key—"and help us and our staff to get engaged in this".

Q444 Chairman: They also responded to you by saying that when push comes to shove they will actually give time on this rather than concentrating on exam results and test results.

Mr Jeffery: They took absolutely the point that Anne was making, that we have five outcomes one of which is about achievement: how do we deliver that outcome without schools? They took completely the notion that their business was more than that and that they could contribute to the five outcomes. They understood what *Every Child Matters* was bringing to them, the greater certainty that young children will have been through early education and their families would have had access to children's centres, the common language that we have been talking about coming out of the Common Core. They were very enthusiastic about what they could do in widening children's opportunities in learning and other positive activity beyond the school day; they were very enthusiastic about extended schools.

Q445 John Greenway: Do you plan the development of child databases and indexes or is this a low priority?

Dr Pugh: The better, more effective sharing of information about children between different professionals and practitioners across different sectors is a high priority. It is clearly set out in the *Every Child Matters* Green Paper as being one of the issues that we saw to key effective integrated front line working to better co-ordinate services around the needs of a child. I have seen some of the evidence presented to the Committee and I think it is worth reminding what our policy objectives are here. They are to ensure that all children have access to the universal services to which they are entitled; they are to make sure that those children who have additional needs have those needs identified at the earliest possible opportunity so that prompt and more effective interventions can be made; and they are to enable and allow any practitioner dealing with a child to be able to correctly identify that child. That is where the development of the indexes comes in, particularly under Section 12 of the Children Act. They are designed to be an IT tool to support the more effective sharing of information.

Q446 John Greenway: Do you have concerns about the not particularly distinguished record of government departments in developing such complex IT systems and the competing costs that these are likely to involve in an area where there is already pressure on budgets?

Dr Pugh: We are certainly very mindful of the experience of government IT projects and that is why we are taking a very steady, staged approach to this work, drawing in the appropriate expertise and subjecting the project to the Office of Government Commerce Gateway Review procedures. We have already conducted an independent feasibility study last year. Following that we appointed an experienced interim programme director who has now gathered around him a wider team of IT experts, each of whom are quite senior and

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experienced in their particular field, fields like security for instance. Last autumn we completed the OGC Gateway Zero Review and this coming autumn—September—we will go through Gateway Review One. We are very mindful of the experience of IT projects and learning the lessons from them, for instance the crucial importance of user involvement, the experience of the 10 ISA trailblazers based in 15 local authorities. I know you have heard evidence from Professor Cleaver who conducted an evaluation for us. We are learning a huge amount from them and I would come back again to the importance of information sharing practice; this is about changing culture and practice. If you read the OGC's report and guidance that they themselves have written, they will say that the key to success in any IT project is 80% practice and 20% IT. The ISA trailblazers have taught us a valuable lesson.

Q447 John Greenway: How do you plan to ensure the confidentiality and security of information on systems and what conclusions have you come to about the legality of the sharing of information between different areas within these multi-task forces? I think again experience shows that whilst the objective of government both national and local is clear, suddenly information is not shared because someone says that it is confidential and information does not get passed on and the tragedy that then ensues is seen to be a consequence.

Dr Pugh: There are a number of issues there. Just picking up on your last point, we have seen that there is a confusion amongst present practitioners in some sectors about what information they can share and what they cannot share. There is plethora of different bits of guidance coming from different parts of the centre about information sharing so one of the things that we are going to do in September is to come forward with cross-government information sharing guidance which the practitioners we have spoken to—we have spoken to a great many—are welcoming. The clarifying of what people can and cannot share is a key priority and that guidance will help that. There are a lot of issues of confidentiality and security which it is helpful to separate out. The first point to underline is that the indexes will only contain very basic data and that is set out now on the face of Section 12 of the Children Act, name and address and so on, precisely designed to minimise the risk so that there is just factual information there. There have been particular sensitivities and a deal of debate when the Bill was discussed in the Lords in particular about the inclusion of information about the involvement of sensitive services so, for instance, sexual health support service, and about the controversial issue of how a professional would indicate a cause for concern. We therefore, in response to that, have just completed a public consultation which was only completed last week so I am not able to tell you the outcome of the consultation but we put forward what we thought would be the ways in which those two aspects might sensibly work and we are listening

now and talking to and will take account of the written responses we have received and come back with a response on that in the spring. Confidentiality is absolutely crucial; security is absolutely crucial. That is why we have drawn in the experts I referred to earlier to advise us on that.

Q448 John Greenway: How do you plan to ensure that parents have access to what information is stored about their child and the opportunity to challenge information that they believe to be incorrect?

Dr Pugh: They would have that right under the Data Protection Act. There is no intention in anything that we are doing in the establishing of indexes to change people's normal rights under the Data Protection Act so that parents of children would have the right to see the information and be able to correct it if it were incorrect. I think also it is worth mentioning the experience of one of the trailblazers that we have at the moment, if I may, which, because it is operating under current legislation issued 26,000 fair processing notices to all the parents in the area informing them about the intention to set up this index. Only 50 parents responded wanting further information. Of those 50 only five had particular concerns and they were concerned about security issues about the potential of people hacking in. Once discussions had been held with those five, none had residual concerns and they were all content. I think it is important if we explain and are clear about the reasons why we are doing this, then I think our experience—certainly from the trailblazer examples—is that people feel more comfortable.

Q449 John Greenway: You talked earlier—or someone did—about the lead member in cabinet within the local authority and his role, but you have proposed that a lead professional should be responsible for co-ordinating information. Who should this be and what guidance will you issue to this person and the local authority or other agency as to what his responsibilities are? One gets the impression from all that has been said this morning that in the end ultimately one person is going to be responsible for making this work and I think we need to know who you think that person is.

Dr Pugh: The lead member and the lead professional are of course quite different concepts. We will be issuing guidance for the lead professional I hope in April. That guidance will be based on the good practice that we have drawn from areas which have already begun to operate the lead professional or sometimes the lead practitioner. The idea of the lead professional or lead practitioner is where a child is assessed as having needs to be addressed by more than one agency, what we want to get away from is the position—I am sure we have all had experience of—of a child going to one agency and then being passed to another, so that one person takes responsibility for making sure that all those different agencies and the support and services of those agencies are better co-ordinated around the needs of that particular child. That is the role. As to who it

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might be, again I hesitate to say that it will be down to local determination and local circumstances but to an extent it will. Even in the experience of those areas that have operated the lead professional concept so far there have been many head teachers who have taken on the role; in other areas it has been a social worker. It will often depend on the local circumstances and the needs of the individual child. What our guidance—which I hope is fairly extensive and contains a number of case study examples—is doing is trying to help people see how it can work, what the skill set of a lead professional should be and how it is intended that it should operate.

Q450 Chairman: Can I just interject here and say that this is the most worrying group of answers we have had in the sense that you must have read the session we had last week and there was a very strong opinion coming from the Information Commissioner and from Eileen Munro from the London School of Economics about the whole process of the trailblazers and the intention in the Bill and in the Act was really to get better communication. It was not supposed to be just a complex IT system which some people have estimated will cost billions. In a sense you have picked up a bit of the Act and you are running towards big IT systems and the people you are running to are those wonderful IT giants who love to see civil servants who have a bee in their bonnet about yet another big IT contract. The evidence clearly came out last week that they think you are moving fast in absolutely the wrong direction because the best communication is improving the human interface between teams working with children and you are going to throw yet more tax payer's money at a glorified IT system that the Commissioner for Information is not going to let you use properly. You give one experience of the trailblazers, had tens of thousands of people and only 50 people responded. That shows you how many people and how much of that million pounds the trailblazer cost. Did you get nothing out of reading the evidence of that session? It was pretty worrying stuff, was it not?

Dr Pugh: Indeed I did read the evidence and I have met the Information Commissioner personally and his assistant at the end of November. As he mentioned in his evidence to you he also responded to the consultation on sensitive services and flagged some concern. That is why I was so keen to stress at the beginning of the previous set of answers what we are trying to do here, to remind ourselves of the policy objectives and I am trying to just get us back to what the facts are of what we are actually intending to do, how we are taking it slowly and steadily, how we are learning from the trailblazers. People talk about a complex IT system, but we do not want that. We want a simple an IT system as possible. If I can quote from the conclusion of Professor Cleaver's report—I do not know whether the Committee has seen this, but we would be happy to share it with you—"Outcomes for children will be improved if practitioners communicate and services

are delivered in a co-ordinated way. A child index with details of how to contact other practitioners involved could aid this process but must not be seen as a sole solution to protecting children." I completely agree with that. Other comments were made in the report about not making the IT system complex.

Q451 Chairman: Quite rightly you are being very cautious in saying what money is available to deliver this, to train people, to deliver the programme and mostly you are saying that it is not centrally provided and there are budgets in health and education and so on already, yet there will have to be money for IT systems. You must know that some of these predictions of how much it might cost in different areas of the country is a lot of tax payer's money. This Committee would be wrong if we did not say that after last week's session we are very concerned that you do not go steaming down to higher IT costs but do not afford to train people to a new standard.

Mr Jeffery: Chairman, we completely understand you saying that. Clearly you listened to last week's witnesses and I would ask you to listen to the stress that Jeanette is putting on the very great care that we are taking with this. Ministers are of exactly the same mind; they will not want to take irrevocable decisions to go ahead until they have had and been convinced by the most thorough analysis. Last week's witnesses made some very important statements; there are others out there working with the systems at the moment across trailblazers who would give a positive account of what they are finding and what this might—this is what we are analysing—enable them to do for children so that, for example, if the system is a means of allowing people to talk to each other much more quickly about a child they are worried about they do not have to hunt for days or weeks for who the social worker is because it is there immediately. The communication starts from that point.

Q452 Chairman: We are a Committee who sat here talking to colleagues of yours who seem to have been extremely naïve about IT systems and the people who sell them and the kinds of contracts they came to with them. We come from that background.

Dr Pugh: I do completely understand the issues you raise and I am what is called in the jargon "senior responsible officer" for this programme. It is critical to me that it is a success. I submit quarterly reports to the Office of Government Commerce. We have an IT director with considerable expertise and we are constructing at the moment a detailed business case that we will be submitting in the autumn and it will be only on the merits of that business case that any further more substantial investment decisions will be made. I have heard estimates of billions or a billion; I have no idea on what basis those references are made but I can assure the Committee they are not the sorts of sums of money that have even entered into our discussion.

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Q453 Paul Holmes: Going back over the ground we have been talking about, I am finding it very difficult to reconcile, for example, what the witnesses told us last week with what you are saying this week because they just seem totally opposed. Jeanette quoted the conclusion of Professor Cleaver's report as being favourable towards an IT programme, but Professor Cleaver was one of the people last week who was saying to us (a) it is not happening out there in the country and (b) nor should it because it is a waste of resources that could be better used on other things.

Dr Pugh: I have read Professor Cleaver's report; I have spoken to Professor Cleaver; I read her evidence last week. I think the point she is underlining, certainly in her report and certainly from my reading of the evidence last week, was that what we do not want is a complex IT system, one that will make the job of communicating more difficult, one that might through its very complexity actually deter practitioners from fulfilling their responsibilities in talking to one another. On that point I completely agree with her. That is why we are looking to establish as simple an IT system as possible.

Q454 Paul Holmes: Can you clarify what the vision of the Department and the Minister and so forth is on this? Before this inquiry started my impression of all this from the Minister's initial speeches on *Every Child Matters* and from the press reports was that there would be a national database, every child would be on it, there would be flags of concern where there had been concern. This would be a great advantage because, for example, the appropriate professional in Cornwall could look at the database and could say that there has never ever been a concern about this family who have just moved from the other end of the family; or when they lived up in Yorkshire they went to hospital three times, the school reported suspicion of child abuse, et cetera. One of the witnesses last week asked if that was the vision the Government had as to how this is going to work.

Dr Pugh: The intention is that the indexes will cover all children in England. The way in which we think it will be designed will be on the basis of 150 local indexes—one per local authority—that will be operating to common standards so that we ensure interoperability so that the systems can talk to one another and the children do not fall down the gaps between local authority boundaries. In addition there will be something that we are referring to as 151st system to act as a central monitoring, an additional failsafe system to make sure that children do not fall down. You are probably aware that we are also working to identify a unique identifying number so that every child has a unique number that will enable that precise identification. I mentioned earlier the basic data that will be held on each child is set out on the face of the Act. We are working through the outcomes of the consultation on how flags of concern should operate so that is something that we have not yet fixed. The purpose of this is precisely to make sure that children are receiving the

services they need, that practitioners can tell who else is dealing with a child so they can speak quickly to that practitioner. We have had social workers tell us that they spend three days phoning people, desperately trying to track people down, trying to work out who it is they need to speak to. That is a desperate waste of their time and it results in a very poor service to the child. That is what the vision is about.

Q455 Paul Holmes: So essentially the simple outline that I gave is what the vision is, but the witnesses last week said, "No, that's not it; we're not going to have a database with all the children on it". Professor Cleaver who has analysed the initial experiments on your behalf said that this is not what is happening and they all said that this is not what should happen. There is a huge contradiction there between what the Minister and the departments are saying is going to happen and what other people are saying (a) should happen and (b) is happening on the ground.

Dr Pugh: I know that the Information Commissioner has had concerns and he has raised issues with us about the universality of the universal coverage. As to Professor Cleaver, I can bring before this Committee any one of our trailblazers and you will find them enthusiastic supporters of this approach. All bar one of the trailblazers now has in place an index. Clearly they are operating under existing legislation so they cannot be operating the system quite as it will be once we have the national standards and so they will not have managed to achieve yet full coverage of all children in their area. They will be populating their indexes with existing databases from schools and so on.

Q456 Mr Chaytor: I want to ask about the consultation that Ofsted is currently conducting of inspection acceptance provision. The new framework will clearly be based on the five objectives and the 25 aims. If the response to the consultation is that 25 aims is far too many, and that the overwhelming consensus is there really should be fewer—or more—how would you respond to that? Are you really going to listen to what the consultation says, or are the 25 aims fixed?

Mr Jeffery: The 25 aims were drawn up in quite wide consultation with all sorts of partners in the statutory and voluntary sector and with the inspectorates. Of course they—and it is David Bell and his colleagues in consultation with us and with Ministers—will listen. We have had—and Sheila may want to come in here in a moment—a very positive response to the outcomes framework. This is a very, very broad field and it is capable of data, aim, outcome, objective proliferation of a quite unmanageable kind and I think the reaction has been that this has put useful, clear shape on an otherwise extremely diffuse and complex area. So we have very positive feedback to the outcomes framework and an understanding—as Sheila was mentioning earlier—that many areas are already

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using it in their needs analysis. However, there may well be particulars and we wait to see whether there is a more general reaction.

Q457 Mr Chaytor: Could you tell us the timescale for the completion of the consultation and publication of the Ofsted consultation?

Mr Jeffery: I think it ends on the 28th of this month.

Ms Scales: That is right, and the idea is to have a final framework out in time for the inspections to start this autumn in the light of the consultation.

Q458 Mr Chaytor: Will the responses to the consultation be published?

Ms Scales: Yes, I am sure they will; it is common practice now. Could I say that there is the issue of what the framework contains but there is also of course the methodology used to pursue the different aims and objectives. One of the propositions is that they will select on the basis of written evidence and data 10 particular themes to pursue throughout an inspection. That may or may not be the right number and I am sure the consultation responses will have quite a lot of views on that. There is the issue of the overall range of the objectives with the aims underneath them. There is also the linked issue, the methodology by which you pursue those particularly in the field work. Those are the things that the current four pilot areas, and the previous piloting that some of these new bits of methodology have actually been testing out to make sure that we have a package that works.

Q459 Mr Chaytor: One of the issues in the previous Ofsted inspection framework for schools was the extent of the intervention and the shift away from the more detailed and arguably more oppressive kinds of inspection. How do you think the new inspection regime from Children's Services will work? Will it veer towards the strategic light touch end of the spectrum or in the early stages will it be more interventionist and more detailed?

Ms Scales: I guess the parallel is with the local authority inspection rather than with school inspections and it will be replacing a lot of inspection work that happens currently of social services departments, of education authorities, of Connexions services, of youth services. It will be pulling all of that together and it will be trying to look at what it is like to be a child in Middlesbrough, for example, so it will have to take a very broad overview of the effectiveness of all of the arrangements and all the co-operation in terms of what is going on. I think the key is going to be using the evidence, the numbers, the data particularly on outcomes to work out what are those key areas that need drilling into to make sure that this is not simply a rather high level description of a set of arrangements but is actually looking at how people are working together at a strategic level but critically on the ground to make sure that needs are met. Part of the methodology is a neighbourhood study which looks at whether the needs of particular neighbourhoods are being met and also tracking a

child's journey through the system so that you can again check that these things are happening. It will be a rigorous process I think; it will have that broad overview but it will also have some real drilling into the reality for children in an area.

Q460 Mr Chaytor: What sanctions will there be realistically for those who finish up with zero stars or whatever the rating system is going to be?

Ms Scales: The legislation has extended to children's social services, the intervention powers that the Secretary of State has had in education since 1998, so as a very long fallback there will be powers to intervene. What we are hoping is that the strategic advisors that we were talking about in their regular dialogues with these local authorities will be able not to wait for the inspection because there will be annual assessments and star ratings of local authorities on the same criteria, will be working with them to identify what the problems are and hopefully offering the sort of targeted support that they are going to need to tackle those problems. There will be a range of approaches much as we have had in the past in the education service but with a very stern fallback power.

Q461 Mr Chaytor: Going back to the question of the role of schools and the impact of all this on schools, in retrospect would the Children Act have been stronger had it included a statutory duty on schools to co-operate with other agencies? Just as the Act was going through, the Department was publishing its consultation document on enabling schools to apply for foundation status which, as Jonathan pointed out earlier, will lead to greater managerial autonomy. Looking from the outside it does seem that we have two trends moving in exactly the opposite direction here. Was that intentional or was it accidental?

Mr Jeffery: There was a rationale that the duty to co-operate is placed on the strategic planning and commissioning bodies and that they will be dealing—and the children's trust arrangements will be dealing—with a very diverse world. Twenty-three thousand or so schools is another matter. That they are absolutely at the heart of Change for Children is not in doubt, but whether they are there by virtue of a duty to co-operate or all the other levers that we have described is what has been the focus of the debate. They stand alongside a huge array of people in the statutory, private and the voluntary sectors who will all need to contribute to this local system of Children's Services. I think the Minister would say that only time will tell and we will look at this as it goes along, but the current signs are, as I say, an enthusiasm for schools to be engaged.

Q462 Paul Holmes: Back on the question of the database, if you have a hundred or a hundred and fifty different authorities developing their own databases, how are you going to ensure compatibility so they will actually read into a national database?

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Dr Pugh: As I may have mentioned earlier, we will be developing a national standard for them so that they are all operating to a single standard. It is crucial that they are interoperable so the system will be designed in that way.

Q463 Paul Holmes: So if the national standard is not there yet some of the trailblazers might have to scrap everything they have done so they fit a national standard later on.

Dr Pugh: There is an issue of the transition of the trailblazers. We have written to all of the trailblazers and invited them to come and work with the team on the development of the national model. Every single trailblazer has responded enthusiastically to that request. We have also established a local authority group now bringing in the wider set of local authorities and are having a range of events additional to the regional events that Sheila mentioned earlier, drawing all of the local authorities and trailblazers together. Yes, there will need to be some adjustments in some of the trailblazers to a national model once that is established.

Q464 Chairman: It is interesting that from the initial questions that Paul and I asked—and Jonathan to some extent—that where you have actually said that money will have to be spent on the IT system, it is actually on child protection. You are going to have a register of every child in the country in order to find out if there are problems in a very small number. You are not going to use that database for anything else but finding out if a child is threatened in some way. We started off by saying: “Is this going to end up just about child protection?”

Dr Pugh: I think it is broader than child protection; it is about making sure that all children are receiving services that they need. Those additional needs may not necessarily be in the area of child protection; it is not a child protection database, that is not what it is about.

Q465 Chairman: Success is never having any data on the child, is it not?

Dr Pugh: We will always have the basic data on the child. The success will be how much more quickly and effectively practitioners can identify who they are.

Q466 Chairman: But this Committee is saying to you that other witnesses have said that that will still come from face to face well-trained teams.

Dr Pugh: Indeed, but in order to communicate with someone you need to know who you have to communicate with.

Q467 Chairman: How are you going to get a unique number for every child?

Dr Pugh: We have been discussing with our team and with colleagues in other government departments and with Misc9(D) how we should

arrive at the unique identifying number. We are due to go back to Misc9(D) in April with a recommendation.

Q468 Chairman: There is not one, is there?

Dr Pugh: There is not a unique identifying number, no, and I know that is the subject of some debate. We do all have a National Insurance number.

Q469 Chairman: That starts at the age of 16.

Dr Pugh: It becomes live at 16; it actually exists before then.

Q470 Chairman: From birth?

Dr Pugh: Yes, from birth, unless you are a child in care. We are looking at all the issues around how we can establish a unique identifying number because the feasibility study that I mentioned earlier that was carried out last year recognised that unless we have the ability as part of the system to have a unique number or some unique identifier for a child then the system will not operate effectively because there are issues of multiple identity and so on.

Q471 Chairman: Most of us have been members of Parliament for quite a long time and have always trusted the health visitor to be very perceptive very early on. They have always had a unique entry into a domestic dwelling. They could go into the home in a way social workers, as I understand, could not. Are the laws around that going to change in terms of access into domestic residences?

Mr Davies: I do not think we have any such plans. They are a crucial part of the local workforce.

Mr Jeffery: There was a very helpful report by the former Chief Nursing Officer last summer on the role of health visitors, midwives and other children's nurses which did place health visitors absolutely centrally in the Every Child Matters agenda and in children's centres as they come together there in all sorts of ways.

Q472 Chairman: They have always been crucial. Are you so sure about GPs participating, co-operating and seeing themselves as team players?

Mr Davies: I think in a sense we ought to stop thinking about GPs and think about primary care because the traditional arrangements for the GP practices are becoming increasingly rare. GPs and primary care will be delivered under a different range of contracts by different people as well. Very often you will have primary care practices, for example, which have no GP involvement whatsoever. We need to think about the broader issues around primary care and the delivery of primary care in the community and the engagement of other professionals, and health visitors often are part of that team. There is always a feeling that GPs are the last people to get on board the bus as it leaves the bus station and I think we need to think a bit more widely about the role of primary care because the model of an independent contracting GP often will not be single-handed. I have no reason to think that primary care practices are not part of this and do not

2 February 2005 Mr Tom Jeffery, Ms Anne Jackson, Ms Sheila Scales, Ms Althea Efunshile, Dr Jeannette Pugh and Mr Mark Davies

want to be part of this; all the evidence shows that they want to be part of this system. It is not easy but we are quite positive about the approach that we are taking.

Chairman: Good. It has been a good session and we have learned a lot, which is the most important thing. Thank you very much for your attendance; it will very much add value to our Committee's report.

Wednesday 9 February 2005

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor
Valerie Davey
Mr John Greenway

Paul Holmes
Jonathan Shaw
Mr Andrew Turner

Witness: **Rt Hon Margaret Hodge**, a Member of the House, Minister for Children, Young People and Families, examined.

Q473 Chairman: Good morning, Minister. Welcome to our proceedings. It is lovely to see you.

Margaret Hodge: Thank you.

Q474 Chairman: I think you and I are the only people, and a few members of the Committee, who are still the continuing strand in education.

Margaret Hodge: I think I must be the longest serving Minister in education in one guise or another.

Q475 Chairman: Everyone keeps moving positions, but you are still there. That is nice.

Margaret Hodge: Thank you.

Q476 Chairman: We are very glad to see you here again. You will know why we have had a look at this area, because, as it is a new area for you, it is certainly a new area for this Committee and we have been grappling with the different acronyms and the departmental linguistics that go with the territory, but we found it immensely rewarding. We have taken a lot of oral evidence and an enormous amount of written evidence and we are going to come out with a report that we hope will be constructive and useful. This is the final session before we write up, so we would like to clear up one or two things. Would you like a couple of minutes to say anything?

Margaret Hodge: I think probably go straight in. Do you wish me to say something? I can do.

Q477 Chairman: No, I am happy to get more questions in.

Margaret Hodge: Let us go straight in.

Q478 Chairman: The first question is this. The kind of feeling which we are getting as we look at this is it is a wonderful intention, that you can have this service for children across all departments seems to be an inspirational idea. The only trouble is that when we went to look at a very similar idea coming out of a very similar tragedy in British Columbia, Vancouver, we found the idea had seemed to have petered out and it had ended up basically with a child protection policy, the Children's Commission had been abolished, the Children's Commission had gone, nobody wanted to be the Children and Family Minister, it had changed six times in as many years, and we were worried that the same could happen here if there was not enough commitment over time. Do you think that is a worry?

Margaret Hodge: I think I have got the best job in government, and I think probably a number of members of the Committee with experience in the field would concur with that. That is the first thing to say. Second, I have always said this is not a short-term political fix, it is a long term cultural change programme, and that statement stands good. It will be two steps forward, one step backwards, because what we are attempting to do is extremely difficult. Am I confident we will get there? First of all, there is a strong political commitment right from the top of Government. There is a strong buy-in across government, across all government departments. As I go around the country I am constantly heartened by the enthusiasm and commitment from professionals in very different organisations, whether I talk to people in the Health Service, whether I talk to people in social care, whether I talk to people in education, whether I talk to children and young people themselves, so there is a strong commitment there, so I am feeling very positive. There are also pretty good signs out there in the field at the front-line, where it really counts, that things are beginning to change. It is perhaps what I might have put in my initial statement, Chairman. What we are about is trying to get a reconfiguration of services for children so that we build services round the needs of children and young people, break down the traditional professional silos, build on the expertise and experience of individuals from whichever profession they emanate and create a whole by getting them to work together that is worth more than some of its parts. That is a huge cultural challenge. What we are also about is trying to get a shift in everything we do from intervention when things go wrong, when children fall through the net, to action to prevent things going wrong, so that children really can develop their potential, every child matters and every child can develop their potential. That is tough to do because the pressures are always on expenditure and intervention at the hard end. The aim of the cultural change programme is tough, but we are beginning to get the shoots, I think, of some really innovative, exciting changed practice and policies which fill me with hope, and I am also really determined to make things happen.

Q479 Chairman: Minister, no-one doubted your determination and your vision is a fascinating and inspiring one, but delivery is something different, is

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it not? We have taken the point and we have read articles that you have written and speeches you have made about a long term plan, you have mentioned in other places 10 years to really change the culture, but all major policy shift needs two things: a delivery system and money, resources. The evidence that we have got on both of those worries us somewhat in the sense that here we have been having quite a conversation about one of your leading inspirations for Early Years SureStart programme over the transfer of delivery of early approach SureStart centrally directed by Government to independent organisations in the communities to local government, and there is a question mark over whether local government is the best delivery system for this policy, and, secondly, if the other delivery is schools, you are asking schools to be a central part of delivery at a time when schools are becoming increasingly independent under separate government policy. On your delivery side—local authorities, schools—there is a question mark in many people's mind whether they can deliver.

Margaret Hodge: Let us deal, first of all, with is local government the best vehicle for delivery. If we want to transform the way children's services are delivered to children, young people and their families, you cannot do it from the centre. We need to use the local authority infrastructure that we have to deliver that. Will they all perform well? They will probably not. I have come out of local government and worked with them in government for many years. My experience is that you will probably get 10 to 15% doing an absolutely brilliant job, the bulk doing okay and may be 10% at the bottom where we will have to give far greater support and, if necessary, intervene if the local authorities are failing children in their area, but I get somewhat surprised that people undermine the important democratic infrastructure that we have in local authorities. The idea that we are better at Whitehall in ensuring community participation in the delivery of programmes from SureStart onwards seems to me just mistaken. Local authorities are much more strongly embedded in their communities. They know them much better. I do not know the 150 communities around the country that make up the Children's Services Authority. The idea that we would know that better I just think is mistaken. That is the first thing. The second thing is that we are going to be putting in place through guidance, through legislation, through our performance management system a whole range of levers, a whole range of carrots and sticks, which will ensure that, for example, SureStart local programmes, as we develop those into SureStart Children's Centres across the country, will be community driven, parent driven, and will retain that essence of SureStart which has made it so successful. We can do that. You do not necessarily do it by running it from here.

Q480 Chairman: We have had research pointing out that two-thirds of SureStart has not been successful.

Margaret Hodge: I do not know what research you are getting there. I have not seen that.

Q481 Chairman: I am referring to research that was presented to the IPPR Conference very recently. I think Cathy Silver has been involved in research and the Audit Commission has been involved in research that suggested that only a third of SureStart programmes seem to add value. I have to direct you to an article that I only read very recently by Anna Coote, who says the real problem is what you are doing with SureStart is that here is a government that believes in evidence-based policy and you have not yet evaluated properly, you really have not yet properly evaluated SureStart, and yet you are changing it into a very different programme delivered by a different organisation.

Margaret Hodge: With respect to you, Chairman, you cannot have it both ways with one person saying there has not been an evaluation and therefore we should not move forward, and another allegation, which I have yet to see, which says that SureStart—

Q482 Chairman: You have seen no research that suggests that much of SureStart does not add very much value?

Margaret Hodge: The reality is that much of the national SureStart evidence has yet to come. I read all the evidence that comes out of our SureStart evaluation, and much of it currently is about process, a description of the situation in the SureStart communities and very early outcomes, and it is very positive, Chairman. What we have not got yet is the longer term evaluation which will tell us

that the impact on children, on families, is transformation over time. What we have got is evidence from a number of the local programmes, which we are also evaluating, that fewer children are ending up in A&E, more mothers are giving up smoking in pregnancy, more children are being breast-fed, children are developing their speech and language capacity better and are therefore ready to go to school, there is greater engagement in Bookstart and literacy.

Q483 Chairman: I am not disagreeing with you, and we will be happy to let you know of the research that has presented to us that suggests that there are some problems with adding value in a high percentage of SureStart programmes. That is not to say that we do not know that the research already suggests that those containing a higher educational component are very successful indeed. I am not disagreeing on that. What we are trying to tease out from you is the delivery system. You are changing the delivery system to local authorities, you say you are happy with that, although we were given evidence that the local authority that was mostly in the firing line over Victoria Climbié has not changed its practices one iota, has not improved at all since that dreadful tragedy. You have to balance faith in local democracy with realities on the ground. On the other side, what about schools? Your government or ministry is making schools far more independent. Are you telling me that cooperation in bringing to fruition the Children Act is going to be more important than meeting standards? The schools can

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take much more of a broad brush approach to taking on Change for Children rather than getting high standards and the way they are confronted with that choice?

Margaret Hodge: I am going to come back to you on SureStart. SureStart currently meets the needs of a third of children in deprived areas.

Q484 Chairman: That is not true, Minister. In 20% of the poorest wards in this country there are SureStart programmes.

Margaret Hodge: Yes.

Q485 Chairman: A very different jump from saying it meets the needs. It is attempting to meet the needs?

Margaret Hodge: I accept that. It is attempting to meet the needs of a third of children in deprived areas. If we want to build on what we believe we have uncovered as a very successful and innovative intervention into children lives, if we want to build that nationwide and go from 500 to 3,500 SureStart children centres, which is our ambition in a 10-year programme, the only way in which we can deliver that effectively is through local authorities, and we have to put in place the levers, the carrots and the sticks, to make it happen. Just on Ealing, because it is Ealing to which you are referring and I saw the evidence that you had from Lord Laming, it is deeply depressing that Ealing has become a zero-rated social services authority this year, we are looking at it very carefully, but I have to say, interestingly enough, and I have met leading members and leading officers from Ealing Council, they are failing more on their adult services and doing much better on their children's services.

Q486 Chairman: Let us go on to schools then. You made a good case. It is inevitable if you want 3,500 it is going to go to local education, or local authorities. What about schools?

Margaret Hodge: Schools are engaged in our agenda, and they are engaged because when I talk to head teachers, when I visit schools, when I talk to the various trade unions representing head teachers and others in schools, they all acknowledge that the *Every Child Matters* agenda is an integral part of the standards agenda. You will only achieve high standards in education if every child in your school community is ready to learn and is therefore an included child and you ensure that all aspects of that child's life are secure and the child's well-being is there. You will only provide an inclusive society if you ensure that every child has the ability to develop their full potential, so the inclusion agenda and the standards agenda are two sides of the same coin, and schools understand that. The best of schools are doing incredibly innovative things to demonstrate that.

Q487 Chairman: Minister, the best of schools are wonderful, we know that because we take evidence from them, but a lot of the schools that gave evidence to us under admission said they were not going to take children that would not perform well because that was not good for the best school

standards, and they would get a bad reputation for falling standards. They absolutely ignored any prescriptions coming from government and said, "We will only take the children that we want to take."

Margaret Hodge: As you know, we have said that by 2008 we expect the admissions code, which will ensure a properly inclusive admission practice, will be in place in every school, but let me talk a little bit about the—

Q488 Chairman: The code is not statutory.

Margaret Hodge: It is not a statutory code, but my view is, Chairman, that schools actually will grasp this agenda. If we are wrong and if you are right to say it needs to be backed by statute to make it work, it will be.

Q489 Chairman: That is something in our report. You rejected it?

Margaret Hodge: I know it is, but we are trying to go down another route which I believe will get to us a shared end.

Q490 Chairman: Wishful thinking, Minister, a very dangerous route.

Margaret Hodge: No, I do not believe it is wishful thinking. I have often said, and I have probably often said to you privately as well as I have in the Committee, I do not think legislation of itself transforms cultures and behaviour and practice.

Q491 Chairman: It helps, Minister, otherwise this Government would not have so much of it.

Margaret Hodge: Maybe this Government sometimes has too much of it, but legislation of itself—

Q492 Chairman: You are looking for friends now, Minister!

Margaret Hodge: Let me go back to the issue about how we are going to ensure that schools do grasp the agenda that we are promoting through the *Every Child Matters* and the Change for Children programme. First of all, in the Ofsted inspection, in the new Ofsted inspection, the five children's outcomes are firmly embedded there as one criteria against which a school's performance and capability will be inspected. That is a pretty strong lever for them. Secondly, in the conversation that will take place every year between a school and the local authority, the Children's Trust, as it emerges over time, again the five outcomes which are now on the Children Act will again form part of that conversation. Furthermore, as we develop policies like our Extended Schools policies, which has been enthusiastically welcomed by, again, most schools to whom I talk, we will find that the development of multi-agency services co-located on a school site will grow; in fact our commitment in the Early Years and Childcare strategy is to have it there; and, again, the green shoots of change are there. Let me give you an example. Let us take Sheffield as an instance. In Sheffield two head teachers were seconded two days a week for six months to promote the *Every Child*

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Matters agenda and get schools buying into it across Sheffield. There is a 100% buy-in now right across Sheffield. In Knowlsey they have area-based partnerships which are developing the children's programmes, and those are chaired by head teachers. Those are two examples of where we are getting good practice across countries.

Q493 Chairman: I absolutely agree with you; there will be some lovely green shoots out there and we welcome them. All we as the Educational and Skills Committee are doing is flagging up our concern that one policy that could end up with every school becoming a foundation school owning its own premises and all that does in some ways run counter, and then you are adding the standards, the push of standards all the time, that these two agendas might not actually fit very well together. We are only putting that on the record, Minister.

Margaret Hodge: I do not agree. I really do not agree.

Q494 Chairman: We agree to disagree on that. Mr Michael is, we know, the last on your list. What about money? What about resources? You say 10 years, but we get the impression from some of your officials that it is not just a wonderful land, we get the promised land that we are going to move to, but is it one that can be achieved without real resources being devoted to it? Are there going to be real resources, the necessary resources devoted to delivery, and have you spoken to the Treasury about this and what do they say about it?

Margaret Hodge: I talk to the Treasury all the time. In fact, we have done rather well out of the Treasury, as you know, on the Early Years and Childcare strategy. I was looking at figures the other day. In 1997–98 we were spending just over a billion pounds on Early Years and Childcare. This year I think we are over four billion. I will write to you with the accurate figures. That is a fantastic expansion in developing integrated services around the needs of children and in developing a preventative range of services to try and promote strong children. That is the agenda, Chairman.

Q495 Chairman: If you look at the Treasury's figures, they show, yes, in the next two years we have a high in educational spending and then it starts to tail off. At the very time that you are telling this Committee there are the necessary resources in order to meet with the children's agenda, is it going to be there?

Margaret Hodge: Out of this comprehensive spending review settlement, if I just look at the SureStart budget, it does not. I cannot predict what will be in the next spending review settlement, but if we are returned to Government to meet our commitment on both Children's Centres and Extended Schools and Childcare we will need to keep growing that budget. Let me go beyond that to other areas of the budget. There has been a pretty healthy growth in the social services FSS over the period. Again I will correct myself if I am wrong, but I think it is 7% this year, so it is a pretty healthy

growth there, and we should just note that. The third thing I was going to say to you is this programme is about changing the way people work, and you do not have to change the way people work by simply adding new resources into the picture. I could take endless examples; let me take two. Think of a teenager who may be in trouble with the police. That teenager could have working with him an education welfare officer because he is probably not in school, he might well have a learning mentor, he might well have a Connexions worker trying to deal with some of the issues, he may have a drug problem, so he will have a drug action team worker, he may be in trouble with the law so he will have a YOTS team worker and he probably will have a social worker because there is a problem of whether he should or should not come into care. I have probably left out lots, but that is six professionals working with the one child. If we can reconfigure that so that we get the lead professional with real responsibility with the child backed up by the specialists where it is required, so possibly a children analyst and mental health worker, I think you can reconfigure and save resources. I know you are going to question me on it later, but the interesting thing that comes out of the trailblazer authorities that are working on sharing information, getting better mechanisms for sharing information, I had a seminar with them the other day and they strongly said to me that what they are able to do out of the protocols they are developing to get better sharing of information across professional boundaries is identifying more children, identifying them sooner and therefore intervening and saving money. The other thing I was going to say to you was the example which I often give but it is a very powerful one of a little girl I visited in a Camden flat. She was very, very severely disabled but in a mainstream school, so lots of things were going well for her. I saw her and her mother. Her mother was her main carer. She said she had had 18 separate assessments by different professionals in the previous six months. Her mother had spent more time managing the professionals who were supposed to be caring for her rather than caring for her directly, and she was the main carer. If we can through our Common Assessment Framework which we are hoping to introduce shortly, and we have got 50 authorities ready to go on it, if we can cut that down, you can save resources which you then can distribute elsewhere. Let me give you one final example out of Derbyshire. Derbyshire now have multi-agency teams that respond to cries for help from families where they voluntarily want to put their children in care for some reason or another. Since this multi-agency team has been working they have reduced the number of children coming into the care system by 20. That is a saving of a quarter of a million to Derbyshire, which they can invest elsewhere. If we are even half successful in our ambition to transform the way people work, we do not necessarily need more money; we simply really do need to use existing resources more smartly.

Chairman: Minister, I have listened to myself for too long. I will relinquish you to Val Davey, but thank you for those introductory answers.

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Q496 Valerie Davey: I want to underpin some of the areas that the Chair has already touched on. You mentioned the guidance which will be available to go out to local authorities. Can you tell us on what evidence that will be based. I imagine, for example, that Pathfinder Children's Trusts are already coming up with that evidence. You have got a strategic vision—I have no doubt about that—and all the optimism you need to go with it, but what guidance are you going to give, when will that guidance come out and on what evidence will it be based?

Margaret Hodge: Much of the vision emerges from the best practice that exists in local authorities and in local communities now, so there is a lot of evidence out there. Much of the guidance is going out in draft form so that we can further consult and build into the final guidance evidence we have of what works in local communities across the country. Everything we do, is what I am saying to you, is already built on evidence of what we have as to what works. There is a lot of guidance going out as we implement the various clauses of the Children Act. In fact, I worry that we must not give indigestion to local authorities by giving them too much guidance, but it is a pretty wide programme of transformational change and therefore requires quite a lot of information to those working at the front-line as to the sort of practices they have to engage in and the sort of procedures they need to think about, but it is based, as much as we can, on best practice. The other thing I always say is I am sure we will not get it all absolutely right the first time, and I am not pretending that we will. As we continue to learn, if we then have to think again and revisit some of the guidance that we have issued to local authorities, we will do so.

Q497 Valerie Davey: I am encouraged by that and also by the fact that you are sending it out in draft. I think that does enable local authorities to contribute, but for some of them—particularly let us move over to the funding—the Government is sending out different messages, because the funding for education is going virtually directly to schools and it is leaving some social services with a tension. I can take you to, I am afraid, too near to home in my area a social services department which is struggling, and you will say to me, yes, they have got these very highly, very expensive young people to manage—if only we had—but what is the mechanism that they are going to have for bringing these budgets together to match your inclusive framework, and how are we going to get this bridging loan between the situation they are now in of some highly expensive young people to the prevention side, which you are claiming, quite rightly I am sure, will be less expensive and more beneficial to everyone?

Margaret Hodge: We are already beginning to see local authorities pooling their budgets, and they are beginning to pool their budgets across the most difficult boundary, and that is between local authorities and health, and there are huge problems in getting those budgets pooled, but we have got 27

pooled budgets across a whole range of local authorities—Barnsley, Bolton—I have got the list here—down to Wigan, Warwickshire, and they are working across health and local authority budgets particularly around issues of children with disabilities—that is one area where there is a lot of work being done—and around the children's mental health as well. So there is good stuff happening out there and, again, we need to build on that experience, understand the difficulties that they face when they try to pool budgets and then tackle some of those difficulties that they confront. That is the first thing to say. I think that will come over time. I am a great believer in pooled budgets, because I think nothing focuses the mind more than knowing that you have all got to decide how to spend the money together from the same pocket of money. Again, the sort of example I always use is who should pay for the wheelchair for the disabled child, and the endless rows you have between health, social care and education as to who foots that bill is never in the child's interest and is a terrible waste of human resources as people argue about it and it can have a terrible impact on the outcome of the child, so we need to push in that direction. If we move to looked after children, who are the ones that I think you were referring to, some authorities spend a huge amount of money on some individual children, sometimes inappropriately placed outside borough in very expensive residential accommodation, that is an enormous challenge which would be there whether or not we had the Change for Children programme. I think that is a traditional challenge that has always faced local authority social services departments. We are doing a number of things around that. We are looking and working with local authorities to improve their commissioning practices so that you do not get a Friday night frantic social worker with a child coming into care without any place to put the child, ringing around and ending up putting the child 200 miles away in a very expensive, inappropriate residential children's home; so better commissioning. We are doing a lot of work to try and ensure that we encourage the growth of foster carers and the growth of foster carers in the local authority so that you do not get children going across local authority boundaries and therefore removed from their families and their friends and no networks and no schools and all that matters there.

Q498 Valerie Davey: I can give you a good news story on that. In our area we are doing well on that?

Margaret Hodge: And we are growing adoptions. That was the last thing I wanted to say. I think we have been jolly successful as a government. We have had an increase in adoptions. I think it is a 37% improvement since 1999–2000 in the number of children who are adopted from care, and that provides the stability of a loving family which will ensure that you can improve the outcomes for children.

Q499 Valerie Davey: I hear all you are saying, and it is good practice here, it is good practice here and it does not have to be the same style. How then are you

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going to measure this in terms of the criteria which will be expected of local authorities: because they have got draft guidance coming down which they are commenting on, they have got funding which they are desperately trying to pool, they have some youngsters already very expensive who they are trying to draw back and deal with. What will be the judgment on these local authorities and when are you going to say, "Hold on, this is not good enough?", how you going to determine that?

Margaret Hodge: We have got a pretty comprehensive performance management framework that we are putting in place. We start with the five outcomes. From those we have developed what we have called the 25 current aims which will focus action in relation to each outcome. They derive from the targets, the PSA targets that we have in Government. They translate into CPA targets for local authorities, and criteria under which Primary Care Trusts will be judged. We then have each local authority doing an analysis of its needs against those aims, developing a children's plan against those aims, having a conversation, the single conversation, which is our way of communicating with local authorities, against those aims. You have a coherence of aims across Government and across services—you have those translated into local authorities—that determines their needs assessment and their children's plan. We then have pretty tough performance assessment, both from our regional advisors, from the inspectors, and we have the joint area review at local level, which is all the inspectors coming together to see how well an area is delivering services for children. All that gives us the framework to measure performance, and star ratings and all that stuff flows from it. If authorities fail children through the services they provide, we will intervene. We have a new power under the Children Act which mirrors the power of intervention into local education authorities and we will intervene.

Q500 Valerie Davey: The children will tell you at some stage, I am sure?

Margaret Hodge: Right throughout. You are quite right to draw me back on that. Right throughout the voice of children will be a central point.

Q501 Jonathan Shaw: You said about intervention, the Government are not intervening at local authority levels any more; they have ridden away from that some time ago, have they not? Anyway, let me ask you, this example that you are putting forward, Minister, about children being placed inappropriately, it is a bit thin really when you think that there are 60,000 children in care and 56,000 of those are in foster homes? You give an example: on a Friday night a local authority place a young person in a very expensive residential home, miles away. That is just not the reality, Minister. To place a young person in a very expensive home in the independent sector—there are reports, there are panels, there are hurdles—there are all sorts of bureaucracy and criteria that have to be met before a young person is placed in one of those homes, that is the reality, is it not? Emergencies do occur and you

would expect a local authority to respond. Then you are also telling us that you have not got all the solutions in Whitehall, the solutions need to be found locally. So it is a bit thin, this example. Also how do you answer? On the one hand, you are saying it is local, on the next hand you are saying locals are making inappropriate placements.

Margaret Hodge: Give us a chance before you say Government does not intervene where local authorities—

Chairman: We do not give chances in this Committee. You have sat in this seat, Minister.

Q502 Jonathan Shaw: What about the Friday night special you frequently quote. Come on, give us some evidence.

Margaret Hodge: Let me just deal with the intervention. I will come to that. I promise I will not lose that point.

Q503 Chairman: Minister, because you have sat in this chair you know that I am going to ask you soon for slightly briefer answers to questions?

Margaret Hodge: Okay. All I can do is assure you we will intervene, and there is a very interesting form of intervention currently taking place in the relationship that Kent has developed with Swindon Borough Council where Kent is basically responsible now for delivering social services care in Swindon. That might be the first example since the legislation came in, which is only a few months ago.

Q504 Jonathan Shaw: That was not between Kent and Swindon rather than the Government?

Margaret Hodge: No, that was brokered on the result of the failure and performance of Swindon Social Services, at the time. You do not like my example. I think it is a pretty real example. It is certainly an example I have talked about to my Director of Social Services locally, where you do get an emergency placement on a Friday night where the commissioning strategy in a local authority is such that you have not thought through having an appropriate block of stock purchases—

Q505 Jonathan Shaw: It is not going to save you more money. You keep saying the way we are going to get more money is to stop these inappropriate placements. Cash is going to flow?

Margaret Hodge: No, I have not said that.

Q506 Jonathan Shaw: That is one of the examples you use?

Margaret Hodge: It is one of the examples I use. I could use lots of examples of where earlier intervention at the first sign of things going wrong would save money down the line. There are endless examples; I just tend to use that one. I was going to point you to your own Kent Social Services. I have quite a lot of dealings with Kent Social Services where they often talk about the number of children who are placed around Kent from Essex and London Boroughs inappropriately out of borough without proper notice to Kent where there are bad outcome for the children and probably greater

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expense than there would otherwise be for the placing local authority. There are a lot of examples of less than good commissioning where we seek improvement. I would have hoped from your experience you would endorse our endeavour to achieve that.

Chairman: I think we can move on.

Jonathan Shaw: I wanted one or two good examples. It is about getting the evidence, is it not?

Chairman: I think I will break this up. Andrew, I will ask you to deal with inter and intra departmental co-ordination.

Q507 Mr Turner: Yes. Which of the other government departments do you deal with the most?

Margaret Hodge: Health, Home Office, ODPM and DCMS probably.

Q508 Mr Turner: The Office of National Statistics published a report that said that the incidence of conduct disorder in boys aged 11 to 15 in a single parent household was three times higher than in a married household. Why do you think that is?

Margaret Hodge: It reminds me, DCA is possibly the other department I should have mentioned, because I spent some time with them as well over issues about separation and divorce and those sorts of issues. The evidence always is that if children are brought up in a settled home with both their birth parents, on the whole that will tend to promote better child outcomes. I think nobody challenges that. Where that takes us in terms of public policy is much more difficult.

Q509 Mr Turner: That is where I was going to ask you to go. What are you doing about it? What lessons are you learning from it?

Margaret Hodge: I think what we learn is that we are trying to do much more than we did in the past to support parenting, and I always have said, and you will have heard me say in the Committee when we were considering the Bill, that support for parents has been one of the most underdeveloped spheres in public policy development over time, and we are doing much more. I think, again through SureStart, we have introduced some innovative early support for parents, which they demand, which they want, which there is a huge cry for and which when I talk to SureStart mums and dads they welcome. We are developing information through the Parentline Plus and other telephone helplines for parents. We are looking at developing support for parents during children's transitions so that as they move from hospital to home, nursery school to primary school to secondary school, those transition points, and then I think an area where we need to do much more work, which I have also talked about publicly over time is supporting parents during the very difficult teenage years. I think what we are learning is responding to that need for parents to have greater support in the way in which they bring up their children. It is an important area of public policy development.

Q510 Mr Turner: We have been speaking of evidence. Going back to SureStart for a moment, what does the evidence show about the effectiveness of SureStart in keeping families together?

Margaret Hodge: Interestingly, the strongest evidence of SureStart in the evaluation is about that relationship between parents and children. I have forgotten how they describe it in the research evidence, but the relationship between parents and their children is warmer and stronger in SureStart local areas than it is elsewhere, and that is quite interesting. It is a soft measure, but we are beginning to get powerful evidence, not just anecdotal evidence but powerful evidence, that those relationships, those bonds, are stronger, and that is very important in early days.

Q511 Mr Turner: As you know, children on the At Risk register are eight times more likely to be living with a father substitute than their natural father compared with the national distribution. Would you say there is the same reason for that?

Margaret Hodge: Again, you will have heard me say in the past that children who go through an acrimonious separation and divorce of their birth parents or married parents, if that separation and divorce is acrimonious, their propensity to have a mental health problem is hugely heightened, and you see a similar pattern of engagement with children's adolescent mental health services as you do with children in the care system, and that is a pretty frightening reality, which is why in all the work we have done around separation and divorce we have put a lot of emphasis, as you will know, on mediation to try and ensure that, painful as it is, you minimise the pain to the children and you put the children first.

Q512 Mr Turner: Clearly there are two elements. There is the minimisation of pain and there is minimisation of separation. What about the latter?

Margaret Hodge: I always wonder exactly what you think. We do what we can to support parenting, we do what we can to ease the difficulties that parents face in relation to their children. I am not sure what the state can do. It is interesting: this is the conservative versus labour. I am not sure what you expect the state to do to sort out people falling out.

Q513 Mr Turner: I was not asking you that.

Margaret Hodge: The Tory nanny state versus the—

Q514 Mr Turner: What I tried to get out, what I was going on to ask the Minister is about the importance of fathers.

Margaret Hodge: I agree with that entirely.

Mr Turner: And what she is doing about access for separated fathers to their children.

Q515 Jonathan Shaw: It is a cunning plan!

Margaret Hodge: This is after the Tory nanny state has failed to keep—

Mr Turner: No, this is where the socialist nanny state has failed. The socialist nanny state appears not to believe there is a problem.

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Chairman: Andrew; please.

Mr Turner: If the Minister wants to address me in those terms, I can answer her in those terms.

Q516 Chairman: The conversation has deteriorated between the two of you.

Margaret Hodge: I have now forgotten the question.

Chairman: Please speak through the Chairman.

Mr Turner: Could I ask the Minister!

Chairman: Yes.

Q517 Mr Turner: As you will know there is some concern about access of separated fathers and their children that incredibly acrimonious and lengthy court proceedings are ineffective in securing the access which children need to their fathers. What is she doing about it?

Margaret Hodge: I think there is a difference of opinion between myself and yourself on this issue. I think when separation and divorce takes place my prime concern is for the interests of the child. I come to this issue on the interests of the child, not the rights of either parent, and that is the basis on which our law is framed, that is the basis on which all our interventions are framed and that is the basis on which our policy is framed. Can I complete the answer? What I was then going to say is if you give paramount thought to the interests of the child, which I do, it is in the child's best interest to maintain a relationship with both parents at the time of the separation and divorce, where it is safe for them to do so, and the whole thrust of case law, the whole thrust of the new interventions that we have suggested through the Green Paper on separation and marital breakdown is to encourage mediation and conciliation between warring parents so that they do put the interests of their child first and they sort out between themselves a civilised way of both parents maintaining contact with their children, and that is what we are trying to do.

Q518 Mr Turner: I am sure nobody would dissent from that objective, but the fact is you published the Green Paper, you published a consultation document in the middle of last year. So far there seems to be no evidence actually either on that consultation document or to enforce existing procedures. I want to know what you are doing with the DCM to make sure existing court orders which allow children access to their fathers and sometimes to their mothers are properly enforced.

Margaret Hodge: There is a draft Bill, which I understand is starting its consideration next week. So I hope Mr Turner is a member of the Committee considering that draft Bill. I do not think we can move much faster. We published the consultation paper—I am trying to think now. We had about three months consultation; we published the result; we are now into a draft Bill.

Q519 Mr Turner: What about the enforcement of existing orders?

Margaret Hodge: That will give judges—We have responded to the request for judges to have a wider range of community-based orders which they can

employ to ensure the enforcement of contact orders. I am not quite sure what else you are suggesting. What are you suggesting: that we imprison more parents?

Q520 Mr Turner: They have the power nowadays. You are saying it is reasonable that they do not exercise that?

Margaret Hodge: No, I am not saying anything like that. They currently have powers either to imprison the parent that is refusing to comply with a contact order or they have the power to fine. Those are the existing powers. They are both rather heavy sledge hammers in relation to this particular issue and probably do not best serve the interests of the child very often. That is why we have responded by consulting on a range of other community-based orders; that is why we have a draft Bill which is being published, but the scrutiny of the draft Bill is starting today, Chairman, so it is published, it is out there, and I would suggest that Mr Turner engages with others in consideration of the Bill to see whether we have got it right. I have to say to him as well, if you get to that point of having a contact order which is not complied with, in a sense we have already failed. The whole thrust of our intervention is to try and get parents to decide between themselves in a civilised manner how best to serve the interests of the child by maintaining proper contact with both parents.

Chairman: Andrew, this has been an interesting exchange. Are you going to continue?

Q521 Mr Turner: I was going to ask a different question about incentivising schools to work better and perhaps to be more willing to admit vulnerable pupils. Do you think that financial incentives could be one of the levers you might want to use?

Margaret Hodge: Yes, it could be, but—I had an exchange with the Chairman—I hope the new admissions code for the development of the partnership structures that we hope will evolve through schools in a particular locality, the foundation partnerships, that schools will co-operate in determining that hard to place children are distributed fairly between the schools, but we will have to wait and see. I think we all recognise the jury is out as to whether or not our new mechanisms will work well.

Chairman: Thank you, Minister. We will return to some of the other issues now.

Q522 Paul Holmes: One more question on a similar theme. You have been asked about how you can get co-operation to implement new policies across health, across home affairs, across local government; across education. You have been asking local areas to have priorities conversations in order to achieve this. What sorts of priorities conversations have you been having, with the Department of Health and the Home Office in particular, here in Westminster?

Margaret Hodge: With Health, I have been talking about three of their documents. I signed off, with Stephen Ladyman, the National Service Framework for Children, and I think that is a very important

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document in setting the standards which we want all health professions to reach. I have been very closely involved in the Chief Nursing Officer's review, which is a crucially important document on the role of health visitors, community midwives, and other community-based practitioners—school nurses, those sorts of people. I have also played a strong role in developing the Public Health White Paper. So those have been three documents which I think could form a very firm basis for co-operation at all levels between us with our children's services responsibilities, and the Department of Health and the responsibilities they have. Beyond that, I always laughingly say that I see more of Stephen Ladyman than I do of my fellow Ministers and the team in the DfES. So much so that people start talking. We do see a lot of each other, and we work together closely.

Q523 Chairman: You probably do not know who half of them are!

Margaret Hodge: It would be interesting if you had us all here, actually. We did a very interesting conference just before Christmas—

Q524 Chairman: To introduce you to each other!

Margaret Hodge: We had a very interesting conference before Christmas, where we had DWP, Home Office, Health, and myself, at the SureStart national conference. I thought that it provided a very good sharing of policies and ambitions for children. Home Office—we are working very closely together, for example on implementing the recommendation of Bichard on developing policies and protocols for ensuring that people are appropriate to work with children. The Youth Green Paper—I am working very hard with my Home Office counterparts on that sort of issue. On things like substance misuse we have a very close working relationship. Youth crime and the youth offending teams—again, I am at the Youth Justice Board bimonthly. So there is a lot of exchange and sharing of policies, programmes and policy development, and all that sort of stuff. So it is a good, close relationship.

Q525 Paul Holmes: One of the bottom lines though will be where the money flows. Department of Health officials have given evidence to us and have said that they do not ring-fence the money that goes to the PCT; it is up to them to allocate it. At what level will it be ensured that the money becomes available for these purposes?

Margaret Hodge: We can go down a route of ensuring commitment to this agenda through driving inputs—so through ring-fencing—or you can go down a route for ensuring commitment to the agenda by focusing on outcomes. We have chosen the latter. So if you look at health, there is a whole range of targets, outcomes, at PCT level, at Department of Health level, joined across government between ourselves and Health, which will drive activity to achieve those outcomes. That, we hope and expect, will drive resources to achieve the outcomes. So that is the way we are doing it. I do not run away from the difficulties we face in ensuring

a proper commitment of resources to achieve the outcomes of the health services. We all know the pressures on PCTs and the pressures particularly on the acute-based services, and the way that that eats up resources. What we are really asking for is, “Develop your community-based services. Develop your public health agenda”. That is difficult. I will just tell you—and it is quite interesting—everywhere I go I always ask PCTs how much they spend on children's services. Often they do not know; and, if they do, it is too small a percentage of their resources. It tends to be about 3%. So we have a way to go. I am not pretending this is easy. We have a way to go, but we are going down the road of trying to get there through an outcomes focus.

Q526 Paul Holmes: If it tends to be 3%, what sort of level are you assuming it ought to rise to?

Margaret Hodge: I have not made that assumption, but what we are looking for, for example in CAMHS—if you look at the children's mental health service—there is a huge need to grow the service and there is a commitment to massively increase investment. If you look at the role of school nurses, again there is a commitment in the Public Health White Paper to grow the number of school nurses. I think that will be a pretty important part of our infrastructure, to deliver the outcomes that we want. If you look at the effectiveness of SureStart programmes, it is the engagement of health visitors and community midwives that leads to many of the positive outcomes that I am beginning to see out of local programmes around giving up smoking in pregnancy, through to breast feeding, through to the early bonding, through to the reduction of postnatal depression—all those things. That will require a commitment. I sometimes worry—and it is an interesting issue—as we move from having a centrally funded SureStart local programme to local authority-sponsored SureStart Children's Centres, it is very important that those children's centres attract the mainstream funding from Health for the midwives and the health visitors, and that they are not just funded through the SureStart route.

Q527 Paul Holmes: You were optimistic in one of your earlier comments about the early examples of pooling budgets. You said that there were 27 examples so far, I think?

Margaret Hodge: Yes.

Q528 Paul Holmes: Can you quantify what sorts of amounts of money we are talking about across those 27 examples? Are they just token examples, or are they significant amounts of money?

Margaret Hodge: I do not have that information. I can tell you the services which are being delivered through pooled budgets, but I do not have the quantum of information. I can dig around and come back to you, if we have any information that will help the Committee.¹ The sorts of services are

¹ Ev 191

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Barnsley Children's Health Pathfinder—all their children and young people aged 0 to 25. So they will have a big pooled budget.

Q529 Chairman: Jeff Ennis will be distraught that you have twice mentioned Barnsley and he is not here! He is on a standing committee.

Margaret Hodge: I am really sorry! To take one, Kent, disabled people and children; Medway, speech and language therapy; Newcastle, children and young people with high care needs. It goes down the list.

Q530 Paul Holmes: Perhaps you could send us some figures.

Margaret Hodge: I do not know if we have the information. If we have, we will forward it to you.

Q531 Chairman: My experience suggests that people do not really like pooling money, because they lose their link to it and so it does not look as though it is down to them. They do not get the credit for putting the resource in. That is going to be a difficulty, is it not?

Margaret Hodge: They will get credit.

Q532 Chairman: Will they?

Margaret Hodge: Yes, because they will be judged for their star rating on how well they deliver to children locally—so, yes. Hopefully—well, I am sure—they will get the job satisfaction of knowing that they are serving children better.

Chairman: Hopefully!

Q533 Paul Holmes: Just one more question on the subject of the priorities conversations and how you are talking to your counterparts at this level. How far have you talked to the Home Office about the way in which some of their policies on children, particularly thinking about asylum-seekers' children, totally contradict the idea of *Every Child Matters*? The Children's Commissioner for Northern Ireland, for example, who gave evidence to us, said that he had taken the Government to judicial review over the implementation of policy on asylum-seekers' children in Northern Ireland because he thought it was totally out of the ballpark, in terms of what the policy was supposed to achieve.

Margaret Hodge: I have a meeting this afternoon with Des Brown to talk about some of the issues around the safeguarding and the well-being of unaccompanied asylum-seeking children and also asylum-seeking children who come over here in families. We talk about it a lot. However, when we considered this issue in relation to the Children Act, we had to be absolutely clear that the primacy in this issue has to be the immigration control and immigration policy. If we had given, for example, the duty to co-operate and duty to safeguard to the Immigration Service, I think that we would have opened a loophole which would have enabled asylum-seeking families and unaccompanied asylum-seeking children to use those particular duties to override the immigration controls and the

asylum-seeking controls. That is a difficulty and we had to face up to it. I think that we took the right route, which is that the primacy is on maintaining a fair and just immigration system but, within that, we have always to have regard to the well-being and safety of children—and we do. I work very closely with Home Office Ministers and, through them, with NASS and the immigration people, social services and the police—there is a whole raft of people with whom we have to work—to ensure that children are safeguarded. We are all worried about children that are trafficked, for example. It is very, very difficult to get underneath that.

Q534 Chairman: Many of us are concerned about the abuse of children and the way they are carried around on the Tube by women begging. Is that your responsibility, Minister? Do you care about it?

Margaret Hodge: Of course. Do I personally care? Yes.

Q535 Chairman: Do you do anything about it?

Margaret Hodge: Both in the training we give to people who work with children in the Immigration Service, and in the partnerships we have established between immigration, NASS, social services and the police—and we have established those partnerships—we are ensuring that when children are here in Britain their well-being—safeguarding them—is our concern. I care about them. They come under the Children Act for as long as they can—

Q536 Chairman: You are now talking about co-operation amongst the departments. Most Londoners, travelling on the Tube, persistently see children being abused because they are used as an appendage for begging. It has been going on for a long time. Why on earth do not the police, the transport police, and your ministry do something about it?

Margaret Hodge: Interestingly enough, the British Transport Police are covered by Section 11 of the Children Act, so they have a duty to safeguard and promote the welfare of children. What appropriate action they should take in that regard is difficult. But they are covered.

Q537 Chairman: You do not think it is child abuse? Carrying small children—

Margaret Hodge: I think that you have to be careful how you define your terms, Chairman.

Q538 Chairman: I think that hawking a child, late at night on the Tube, on the hip, in order to get sympathy for begging, is a dreadful abuse of children.

Margaret Hodge: I do not like it, but what action you would take in regard to it—you would not want to remove the child from their parent on that basis, I do not think.

Q539 Chairman: I would certainly like to investigate what is behind it.

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Margaret Hodge: British Transport Police do have that duty and they would then have a duty also to co-operate with the social services department in the new world, post-Children Act. So the duty is on them. I really want also to give that reassurance to the Committee: that every child that is in Britain is covered by our duties to promote their welfare, promote their well-being, and safeguard them.

Q540 Mr Greenway: Let us change tack completely and talk about some of the practical issues about delivering this policy. How important is the creation of databases and child indices in ensuring the exchange of vital information and greater co-operation between professionals? Rather than pursue that, would it not be preferable to focus effort, first and foremost, on improving frontline employees' ability to work together?

Margaret Hodge: Of course we have to focus on frontline professionals working well together. The whole lesson we learn from the Victoria Climbié tragedy, and from every other report that I ever read on the death of a child, is that there has been a failure of the professionals to communicate with each other; a failure to work together. That is why, when I talk about building services around the needs of children, young people and their families, the principle underpinning that is to get professionals working better together. That is why locating professionals together in SureStart Children's Centres, extended schools, multi-professional teams, whatever it is, is so important. That is why having a common assessment framework is so important. That is why developing core competences right across all professionals, so that they have a joint understanding of language, of child development, of child safeguarding—all that is all about getting people working better together. Information-sharing is yet another tool to support better working together by professionals—nothing more, nothing less. It is a tool. It is an important tool that in the modern world we ought to employ, which will help professionals, save time, identify other professionals who are working with a child; it will help them intervene earlier in that child's life when they first spot that there are things going wrong, and it will lead to better outcomes. But it is nothing more or less than a tool; it is not an end in itself.

Q541 Mr Greenway: The legislation to create these databases was enacted before the results of the information-sharing assessment pilots were fully known. What further analysis and risk assessment do you plan to do before progressing to the commissioning and implementation stages of these databases? What is the timetable for doing so?

Margaret Hodge: The legislation provided us with a framework. In fact, one of the reasons we got into slight difficulties during consideration of the legislation was this concern which people felt that there was not sufficient detail on the face of the Act to give comfort to some of the concerns about privacy. So it is no more or less, again, than a framework. We are working towards developing the information database in a very steady, focused,

staged way. We are not moving faster than we can. For example, we have now employed a number of pretty high-powered people to support the development of the project; we have external expertise that we bring in; we are very closely monitored by the new Government review process; we keep learning from the trailblazers—I meet with them regularly; we are developing a business case. We will go slowly and steadily to make sure that we do not get another government IT project wrong.

Q542 Mr Greenway: You have anticipated, probably by the look on my face, the question that I was going to ask. Do you worry that the record of successive governments—let us be fair about this—in commissioning IT databases, which were going to be all-singing and all-dancing, do everything for everybody, is not spectacularly good? I agree with you completely regarding your opening comment in answer to my first question: that it is when information does not get shared that something goes wrong. So this could be where the fault lies in the future, and the same kind of tragedy happens again.

Margaret Hodge: I do worry. I accept that the record is not good. All I can tell you is that we are determined to get this right. If you look, for example, at the recent media coverage on the NHS system, one of the mistakes made there was a failure to get user involvement in developing that. We are making sure that we do have user involvement. We are keeping it as simple as we can. I think the key to this is simplicity, and I am determined to have that. So every decision we take is trying to get the simplest solution. We are not trying to develop new technology. We are using well-tried and tested technology; so we are not inventing new systems. But—and let me put this to you—I genuinely think the Committee would benefit from a session with the trailblazers, Chairman. I have read a lot of your evidence, and I honestly think that you would find a seminar or something with the trailblazers really helpful. When you talk to the trailblazers, which I do regularly, we are beginning to unlock something really important. They all talk about the project supporting much better cross-professional communication and working-together. They all talk about that. They all talk about the fact that they are identifying more children with additional needs—which is interesting in itself. So we are able, through this system, to find children earlier and to respond to their additional needs, so that their development is not halted. They all talk about earlier intervention. They all talk about the same sort of thing. It is quite interesting. When I talk to professionals across the piece, at the moment we do not even share a language across the professional divides. We all use words like “assessment” in a very different way. Assessment to a social worker will be different to assessment to a teacher, to a youth worker, to a Connexions worker—all that sort of stuff. We are beginning to break down those barriers and boundaries. I think that the fear that has been engendered around information systems being an end in itself is false. I think that the fear that has been engendered that we are wasting time and money is

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false. The understanding we are getting from the trailblazers fills me with optimism that, as long as we go steadily, slowly, and every move we take we think about, re-examine, re-justify and have certainty of it—I think that this will probably be a pretty groundbreaking development, which will help us serve children's interests better.

Mr Greenway: We will move on to training, if we may.

Q543 Chairman: Before we do, perhaps I could ask a supplementary on that. How are you evaluating the evidence that has been given to the Committee by the Information Commissioner and other, leading experts? You do not have a very good track record in IT systems in the Department for Education and Skills, have you, Minister?

Margaret Hodge: Across government. We have not got a good track record. The Government does not have—

Q544 Chairman: Let us just remain with your department. You know of a number of things we have investigated in this Committee that touch on IT. We are already writing up the e-University saga. Individual Learning Accounts are fresh in our minds. The evidence we have is that some people estimate we have spent a billion pounds on an information system, when it is finished, that could have gone to frontline services. That is what they are saying.

Margaret Hodge: I think that the two examples you use from our department do not help your point, with the greatest respect. Both ILA—

Q545 Chairman: Did you say that I was abusing your department?

Margaret Hodge: No—do not help your argument.

Q546 Chairman: My cold is affecting my hearing.

Margaret Hodge: Because I would say, on both ILAs and e-University, it was the policy and not the implementation.

Q547 Chairman: No, I am sorry. ILAs certainly was the implementation. Our criticisms of Capita in that respect, and the contract between your department and Capita, are still very fresh in my memory, Minister, if not in yours.

Margaret Hodge: I am not sure that it was the system.

Q548 Chairman: It was a system totally open to fraud.

Margaret Hodge: No, it was a policy which had not built into it—

Q549 Chairman: The Information Commissioner told us he would not believe that this could be a secured system.

Margaret Hodge: Which one? Ours?

Q550 Chairman: Yes, the one you are developing.

Margaret Hodge: On the security of the system that we are developing, it will be a secure system. All I can say to him—

Q551 Chairman: He is the expert; you are the Minister.

Margaret Hodge: No, he is not the expert in ICT systems; he is the expert in information. I shall just read you a list, because I thought that you might ask it, having read his evidence.

Q552 Chairman: I hope it is not a long list.

Margaret Hodge: It is long. What we will cover is security policy definition; organisation security; asset classification and control; personnel security; physical and environmental security; communications and operational management security; systems access control. The list goes on and on. I have read about half of it to you. So we will ensure that we have a secure system. Having said that, we are working with the Information Commissioner. We do understand that he is raising concerns which we need to address, and we welcome his help, the help of his officials, and the co-operation we are having from him in developing this.

Q553 Chairman: So all of the evidence we have taken—you scoff at that really, and they are wrong and you are right?

Margaret Hodge: All I am suggesting—I think that you had evidence from three individuals—is that you talk to the trailblazers who are developing a system for us on the ground. If after you have had that balanced evidence, one argument on one side and one argument on the other side, you come to the same view, of course we will take your consideration seriously. All I can tell you is, on the ground, where these information systems are being developed, where the protocols to share information are happening, it is leading to better outcomes for children. That is the whole purpose of what we are trying to do.

Q554 Chairman: The Information Commissioner said that, in terms of the quality and security, the professionals will not use it and it will be a white elephant.

Margaret Hodge: I do not agree with him. The reason I started reading the very long list and stopped halfway through is that I think we can ensure security and, by keeping it as a simple system—as simple as we can—we will ensure that it is of the quality necessary to provide that tool which will support better sharing of information between professionals.

Q555 Paul Holmes: Some of the evidence that we have received on that was from Professor Cleaver. Professor Cleaver had undertaken an analysis of the trailblazers, I think for your department. So she had actually looked at the implementation of the

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trailblazers. She was saying that the advantages that were coming through the scheme were not actually from the computer project and the database, it was from getting people in local areas to talk together and getting professionals to work together. The database was irrelevant. She said, having done the analysis for your department, that this was a total waste of money. This money ought to be going into frontline services and not into a big computer system.

Margaret Hodge: I was very bemused by her evidence, because she had been at the last seminar I had with the trailblazers and was singing a rather different tune. I just have to say that to you, and I really do not understand that.

Q556 Chairman: She knew she was singing on the record.

Margaret Hodge: Indeed, and I remain bemused. I would suggest that you read her report to us to see whether there is consistency between the evidence that she gave to you in open committee and the report, which is in the public domain, of the evidence that she gave to us when she did it. But the interesting thing is—and that is why when I responded to Mr Greenway I said this—she is right to say what matters is getting professionals to work together. I completely agree with that. The whole purpose of all we are doing is to get professionals to work together. We see this as a powerful tool to enable that to happen. Mr Shaw will no doubt question this, but maybe he will accept that when he was a social worker, trying to track down all the other people who were working with a child—if you were suddenly worried about a child—might take you days. If, through having this very simple tool—and we will keep it simple—you can save time and have a swifter conversation about a child about whom you will have concerns, that is good; that is to the benefit. It will save the social worker time; it gets a better outcome for the child; it gets swifter intervention in that child's life. Of course it is not an end in itself. I have to keep saying that. We do not think we want just an all-singing, all-dancing, massive IT project. What we want is an effective tool to support professional work.

Q557 Chairman: Which is every child in the country on a database?

Margaret Hodge: The reason we want a universal database—there are some very powerful reasons for this and we went through the argument very carefully when we took the decision to go for a universal database. Let me just go through them. Again, the thrust of our policy intent is to move to early identification and early intervention. If you simply have a database of only those children that are at risk or in care, you have started to intervene too late. So we want a system which enables this early intervention. The second thing is, the analysis we have shows that probably—and it is quite an interesting figure—a third of children throughout their childhood and young adulthood will have an additional need. So it is a lot of children we are talking about. It will be very different sorts of needs,

but a third of children at some point may require extra support and intervention to ensure that they fulfil their potential. In that, if you want to identify that third early, it makes sense to go for a universal database. Thirdly, if we do not have all children, it is very difficult to identify a particular child, it is very difficult to plan services. Think of the children missing out on education. Take that as an example. At the moment, it is terribly difficult to track those kids who are missing from education. We have got runaway projects—we have all these projects running. We do not really know them all. If we have a universal database which identifies all children, it is much easier for us to track down those children who are missing out on the universal services, which again will ensure that they fulfil their potential. The final thing I would say to you is that a universal database is much less stigmatising, and therefore much easier to operate than one that is simply focused on children who are on the at-risk register of a social services department presently in local authorities.

Q558 Paul Holmes: Clearly there is a need for you to have some positive conversations, because one week we can have you and your officials saying, “This is what we are going to do, and it works”, but a couple of weeks earlier we have Dr Munro, Professor Cleaver and the Information Commissioner sitting there saying, “It's a total white elephant and bad use of the money”. So there clearly needs to be some conversation somehow. But can I just press you on one particular point about funding? Apart from the few trailblazers, the local authorities which have been given £100,000 each—which amounts to £15 million across the country—for IT equipment, the actual cost is going to be a billion. Is this billion pounds going to mean you get another billion that comes from other savings you are making?

Margaret Hodge: Let me first of all say it is not to develop IT systems: it is to develop protocols for better sharing of information across professional boundaries. That is the first thing. The second thing is we are not talking anywhere near billions. It is too early to give you—we will develop a business case and share it with everybody. I am all for having a completely open development of this particular aspect of our policy. We are into the low hundreds, if anything.

Q559 Chairman: You are committed to doing further analysis and cost accounting?

Margaret Hodge: We have an estimate, but it would be too early—

Q560 Chairman: What is your estimate?

Margaret Hodge: It is in the very, very low hundreds.

Q561 Paul Holmes: In the Health Service, it is £6½ billion and rising.

Margaret Hodge: But, if you look at it, we have given a million to each of the trailblazers. They have all developed an IT system on the back of that, plus all the protocols which are—

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Q562 Paul Holmes: Some of which will have to be scrapped once you have a national system, because they will not all be compatible.

Margaret Hodge: If you have a learning process, you have to use the learning process and understand that that might lead to some developments that you will not pursue. I accept that. It is a difficult one to play, is it not? Either you have trailblazers from which you learn, and then you learn what works and what does not work, or you do not. I am still pleased that we invested that money in the trailblazers. And I honestly would urge you, Chairman, to have some sort of discussion with just a handful of those trailblazers. They are very different.

Q563 Chairman: I would also urge you, Minister, to tell the Committee if you have had any evaluation, from an independent source or internally, of how much this might cost.

Margaret Hodge: Yes.

Q564 Chairman: How much? “Low hundreds” is no good to this Committee.

Margaret Hodge: Very low hundreds. We are in the process of developing a business—

Chairman: Millions.

Q565 Mr Greenway: Hundreds of millions of pounds?

Margaret Hodge: Yes. The figures that have been bandied around are absurd.

Q566 Chairman: All these smart IT companies know that this is a pretty lean contract, do they?

Margaret Hodge: That is why I am not sharing the actual figures with you at this point. But it is much, much less than you have been led to believe.

Q567 Chairman: You have not signed a contract yet.

Margaret Hodge: And we will not sign a contract until I feel certain that this is a proper investment. I can give that assurance. We have been extremely careful at each step to get validation, evaluation, and we will not move until I am certain that this is not going to be an IT disaster, but that it will be a good additional tool.

Q568 Mr Greenway: How do you intend to ensure that *Every Child Matters*-related training gets the priority it deserves, bearing in mind all the other pressures—not just on schools but the other services—which suggests to us that it may not get the priority it needs?

Margaret Hodge: It is a huge priority, and it is training across the piece. I talked about the core competences. We are developing these six core competences that we think all professionals working with children, right across the children’s workforce, ought to have if we are to be effective in our transformational programme. Training to work in a multi-agency context is very important. Training for new leadership. How do you run this multi-agency service, whether it is a children’s centre, whether it is a multi-agency team in an extended school, or whether it is a children’s services authority? So the

training investment is huge. We hope, in the next couple of weeks, to be putting forward a workforce strategy, which will start putting meat on the bones of how we see the training develop. We are working, as we speak, on developing training packages around the core competences, around leadership, around emerging leaders—those sorts of things. We will prioritise it as we go along. Just remember that all the professions who are engaged in providing services for children already have large training programmes; so we will expect them to be bent towards delivering this.

Q569 Mr Greenway: But this is going to cost new money?

Margaret Hodge: Why? Not necessarily.

Q570 Mr Greenway: Why do you think not? I think the evidence to the Committee is that it will, and there are concerns as to how it will be met.

Margaret Hodge: Part of it will be changing the induction training that people have. So getting the core competences built in to training programmes. Part of it will be professional development. Part of it will come from the work of the new Children’s Workforce Development Council as they develop their programmes. We are making sure that we provide resources to them, so that they can develop training packages and encourage training across the children’s workforce. So there is a huge training challenge, and I accept that. I do not accept that it necessarily needs massive new resources. It needs people thinking about this as being a training priority.

Q571 Chairman: I am worried that everything seems to be done with miracle dust in this piece of legislation. It is one of the most important changes that we have had in legislative terms for many years, and it is all going to cost nothing.

Margaret Hodge: Because a lot of what we do will be a redirection of resources. Because a lot of what we do will genuinely, honestly save money and professional time across the piece.

Chairman: Minister, I hear what you say. We will now move on to the Children’s Commissioner, with questions from Jonathan Shaw.

Q572 Jonathan Shaw: Tell us how you think the relationship between yourself and the Children’s Commissioner for England will pan out.

Margaret Hodge: I do not think that we will always agree. I think that I will find the Children’s Commissioner quite challenging—of me—on a number of issues; but I hope that we can also work together in the interests of children. I am talking to children and young people all the time. The new Children’s Commissioner—we are interviewing as we speak, and so we will have somebody appointed, I hope, in the next few weeks. I hope that we will share a lot of the values and ambitions for children. I hope that we will work together, but I do not expect it always to be a comfortable relationship. Probably like the DfES Ministers and Ofsted—it is that sort of relationship, probably.

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Q573 Jonathan Shaw: I think it is a very important point that you have made, Minister, because there is some concern about the level of independence for this post-holder. The Secretary of State, through yourself, I guess, will be able to direct this post-holder to undertake certain inquiries. The Secretary of State has that power within the Act. What happens then, in your words, if this post-holder does not agree? If you say, "You have to go and look at that and report" and they say, "I don't think I should be looking at that. I need to be doing something else"? Because at the moment the other Children's Commissioners in Wales, Northern Ireland and Scotland, can do that.

Margaret Hodge: We had a long discussion, during the process of determining the powers and duties of the Children's Commissioner, as to whether or not the English Children's Commissioner will be more independent, less independent, more powerful, less powerful than the commissioners in the other countries in Great Britain. It is a different role. We are establishing a different animal here in England. We are establishing an animal that will not be engaged in looking at individual cases, day in, day out, because we did not want them borne down by individual caseload—which in my view other commissioners in the other nations are. However, I think that this will be a tough, strong, independent commissioner, who will make my life uncomfortable from time to time; who will report independently to Parliament; who will, I have absolutely no doubt, be interviewed by yourselves on a regular basis, and so have that accountability through Parliament to the nation; who will be able to undertake wide investigations into a whole range of activities—and I would hope would do a few each year.

Q574 Jonathan Shaw: What sorts of inquiries do you think that the Secretary of State might ask the commissioner to conduct?

Margaret Hodge: The only occasion on which the Secretary of State might want the commissioner to lead an inquiry is where there has been a particularly tragic set of circumstances round an individual child or a group of children, which requires a national inquiry—a Climbié-type inquiry. In those circumstances, it seemed to us that the most appropriate organisation to undertake that inquiry would be the office of the Children's Commissioner for England. So that is the only occasion. Apart from that, the commissioner will be an independent champion; will be able to initiate and conduct inquiries, of relevance to all children.

Q575 Jonathan Shaw: So that is on the one hand, and that is very helpful, Minister. You have told the Committee what type of inquiry the Secretary of State might ask the commissioner to conduct. What sort of advice would the Secretary of State give the commissioner when he did not want to make an inquiry? "No, I don't want to do that." In what set of circumstances might that arise?

Margaret Hodge: The commissioner has the power to hold an inquiry if he or she so chooses, and there is no way the Government can prevent that inquiry from taking place.

Q576 Jonathan Shaw: You do not ever foresee a set of circumstances where the Secretary of State will direct the commissioner and say, "You will not investigate that"?

Margaret Hodge: We cannot.

Q577 Jonathan Shaw: He cannot?

Margaret Hodge: No.

Q578 Jonathan Shaw: We cannot be clearer than that. There is also some concern about the devolutions and the settlement of this. Perhaps you would like to have an opportunity to clear some of those concerns up. As you rightly said, with regard to the Children's Commissioners in the other countries in the UK, children can go directly to them, but there will be some reserve legislation, particularly in the case of Wales, so there might be some confusion there as to where children are directed if there is an issue of concern. What sort of advice are you giving the commissioners? Because they raised this themselves.

Margaret Hodge: I am not. If I were to give the commissioner advice, I would, in my view, be interfering with the independence of the commissioner. What I expect to happen is for a sensible discussion to take place between the English commissioner and the Welsh commissioner, so that they sort out systems for themselves—perhaps through a memorandum of understanding—to ensure that there is not confusion in the minds of children. I hope that two sensible people can come to a commonsense view about—

Q579 Chairman: Will the English commissioner be on a lower table, because he is only a second-rate commissioner?

Margaret Hodge: I do not think he is a second-rate commissioner. I have always taken the view, Chairman, that our commissioner in England will be an incredibly powerful, independent champion for children. But time will tell—if we make the right appointment over the next few days, and seeing how that commissioner performs in his or her job.

Q580 Jonathan Shaw: That "time will tell" seamlessly brings me to the next question. Do you plan to evaluate the role? There have been lots of concerns from a range of different NGOs and throughout the Bill, as you rightly said, Minister. So will you put these concerns to the test? Will you evaluate the role of the commissioner? Will we be able to see if there is concern about complaints not being picked up? Will there therefore be a commitment to introduce new powers, if that is necessary?

Margaret Hodge: I always evaluate, always reflect, and always think about it. I am pretty certain here though that we have actually established a much more effective independent voice for children than

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the other countries have—but that is my personal view. I have been consistent in that view since we first engaged in that debate. I think that if we had established a commissioner whose main focus was looking at individual complaints, it would have been a less effective champion for children in England.

Q581 Jonathan Shaw: One final point, on the role of parents. You referred earlier on to parents being central to the way that we shape our children's services. There was an amendment to the Children Act in the Lords which was accepted there. You were really a bit of a Johnny-come-lately, were you not? Nevertheless, that was welcomed by people. On the issue of the Children's Centres which will now be under local authority control, one of the benefits, it seemed to me, is that the SureStart centres, now to be Children's Centres, are being run by local parents. Those parents have been able to shape those services in accordance with their wishes and local needs. Also, and importantly, it provides a good learning opportunity for parents to take some control. Certainly some of the parents I have spoken to have benefited. They have been on a range of different courses and they have started to understand how services are delivered and how they can affect that. Is there not a danger that, in handing it over to the local authority, you will lose that autonomy; you will lose that creativity; and you will lose the very point that you have said that you are so passionate about—involving the parents? It will just become all part of the council's services, will it not?

Margaret Hodge: No, and we will ensure, both through guidance that we give local authorities and the way in which we inspect and manage the performance of local authorities, that that essential ethos of SureStart, which is the involvement of parents in all aspects of the delivery of services for children and families in the earliest years, is maintained.

Q582 Jonathan Shaw: How many people have you got writing guidance in the department?

Margaret Hodge: Loads!

Q583 Jonathan Shaw: You tell us on the one hand that you are worried about the mountain of guidance you are giving local authorities, and then in every other sentence you say, "We are doing some more guidance. That will sort that out".

Margaret Hodge: We have a new Children Act—

Q584 Jonathan Shaw: Why do you not leave things as they are? Then you would not have to give any guidance to anyone, and you could do the thing that you wanted to—which is to reduce guidance. Leave parents running SureStart Children's Centres. Let them call them what they want.

Margaret Hodge: This is a whole system-change programme for children's services, based on that legislative framework that we had in the Children Act. I am afraid that, to create that whole system change right the way through, requires much more guidance than I would wish seeing occurring. This is why I keep saying it is a long-term programme; it is

a long-term transformation; and we have to bring those professionals with us. Every time I get a bit of guidance, I try to cut it by half—which is my first step in trying to minimise the burden, but it is undoubtedly—

Q585 Jonathan Shaw: It is a bonfire of guidance?

Margaret Hodge: You were probably around—were you around?—at the time of the 1989 Children Act. I assume there was a whole load of guidance that came out of that Act, and we are basically—

Q586 Chairman: Much of which was never implemented.

Margaret Hodge: This is going to be implemented.

Q587 Chairman: To remain on that track, when you evaluate the ability of local authorities to deliver your programme, do you take into account previous work in terms of Early Years? Because that is an area where they say nice things about much of the Early Years investment of the Government.

Margaret Hodge: Yes.

Q588 Chairman: Yet Early Years partnerships have been patchy, have they not, in terms of how they involve parents and the not-for-profit sector, the voluntary and the private sector? Too often, we noticed even when we did our report some years ago, the local authority had to assert their chair—to make sure that it did not get out of their control; whereas we thought that we should have independent chairs. There was some evidence at that time that the independent chairs were better. Have you done an evaluation of that type—the Early Years partnerships?

Margaret Hodge: Much of the Change for Children Programme is built on the experience we have had from the Early Years, where we have brought professionals together across the divide, and where we are beginning—and only just beginning—to see that cultural change in the way people work on the ground with children, young people and their families. So of course we have done that. What I would say to you, Chairman, is I think that we will always have probably 10% of local authorities whose performance and commitment to the ethos of the Change for Children Programme causes us concern. I think that will probably always be the case. But you cannot let a government policy be driven by the performance of a minority in that way. You need to go with a broad thrust of government policy, where we know the majority will go with us, and then look at what levers you can employ to bring up the performance of those people who do not share our commitment to transforming children's services. That is why the power to intervene, the way in which we assess, star-rate, the way in which we encourage the money driver—all that sort of stuff is very important.

Q589 Chairman: I want to get on to finance for our final section, but I must say this. Evidence given to this Committee suggests that the European Network of Children's Commissioners believes that the

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powers you are giving the English commissioner are so weak that he or she will not be allowed to join the European Network of Children's Commissioners. That is true, is it not?

Margaret Hodge: I would like our English commissioner to join the European club, and I am sure that when we have someone in post they will sort out any concern.

Q590 Chairman: Does it not cause concern at all that they think the powers are so weak that they will not be allowed to join?

Margaret Hodge: I do not agree, Chairman. I think that we have established a very powerful, independent champion for children. The proof of the pudding will be in that record—

Q591 Chairman: Will this commissioner have a car or a chauffeur?

Margaret Hodge: I do not have a clue!

Q592 Chairman: Perhaps if there was not a ministerial car, you would see more of the exploited children that I see used as accessories to begging on the Tube.

Margaret Hodge: There is no answer to that one!

Q593 Chairman: Join me on the Tube, and see how ordinary people work.

Margaret Hodge: I do at weekends, but I accept that—

Q594 Paul Holmes: In all the guidance that you are in the process of writing for the roll-out of the new SureStart and the expansion from 500, and so on, what is the role of nursery schools in your guidance?

Margaret Hodge: We want to build Children's Centres on all existing early years' provision. For a long time, I have preached that nursery schools need to change and transform themselves into SureStart Children's Centres. Nursery schools provide some of the most excellent early years' education experience that we have in the country, so we need to build on that excellence but provide the multi-agency support for children, going down the age range to birth. The best of nursery schools are doing that. My own view is that if the others do not, they will die. So they have to come on board the game if they wish to have a continued existence in the long term—and I want them to do that.

Paul Holmes: That is certainly consistent with your writing to the local authorities in October 2003, saying that. Are you concerned that there appears to be a trend developing of local authorities closing nursery schools down, rather than turning them into Children's Centres? For example, Slough, Bristol, Durham, Lancaster, Oxfordshire, Rochdale, have all been closing nursery schools down—some of them highly rated by Ofsted.

Mr Chaytor: Chairman, it is a Liberal Democrat council in Rochdale that is doing it, of course.

Chairman: I thought that we were not partisan!

Q595 Mr Chaytor: I thought that the Minister might like to have that information.

Margaret Hodge: Thank you. It is very helpful information!

Q596 Chairman: Minister, you have a very bad effect on my Committee, I have to say!

Margaret Hodge: I think that I have probably seen every proposal from a local authority to close a nursery school. So we have tried to put stops in the system. In the end it is their decision, but we have tried to put stops in the system to encourage their evolution into SureStart Children's Centres. In the end, sometimes because the nursery school itself is not prepared to change, or because of the particular circumstances in a particular locality, sadly, decisions are taken to close nursery schools. I regret that. What I want to happen in policy terms is for every nursery school to become a SureStart Children's Centre.

Q597 Mr Chaytor: Minister, in your lengthy discussions with Dr Ladyman have either of you considered the impact of the Government's policies on choice in the acute health sector on your efforts to bring about greater integration in primary care?

Margaret Hodge: Yes, there are tensions between the pressures to invest in the acute sector to meet the Health Service performance targets and our desire to expand community children-based services, which on the whole tend to be around the public health agenda. That is why we have these three very important documents—the NSF for Children, the Public Health Service White Paper, and the Chief Nursing Officer's review. That is why we are working with those to try to ensure that appropriate priority decisions are taken at the PCT level to get us the investment we need in children's services. The Health Service has been generously funded over time. It is expanding massively. We need to ensure that some of that expansion comes into children's services. But it is not an easy road—I accept that.

Q598 Mr Chaytor: If the Secretary of State is insisting that "x" per cent of the acute commissioning is now contracted out, this will cause enormous problems for the budgets of primary care trusts, is it not? We will see a huge amount of instability in the acute sector, and this will suck resources in like never before. I just cannot see how you can expect the primary care trusts to readjust their budgets in the way you want to see them do so, whilst at the same time they will be compensating for the cost of contracting out into the private sector.

Margaret Hodge: There is a presumption there that the choice agenda will create such financial problems for the acute sector that it will draw in resources, which I am sure Health Service ministers would challenge. I am not *au fait* with the detail.

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Q599 Mr Chaytor: The Ministers have fixed this arbitrary percentage of acute commissioning—

Margaret Hodge: Yes, but I think they would challenge your presumption as to whether that will create the sorts of financial pressures that you describe. It is something you need to take up with them.

Q600 Mr Chaytor: It is surely something you need to take up with them.

Margaret Hodge: What I do take up with them consistently is trying to put a clear bottom on the commitments, for example to expand the school nursing cohort, which is firmly stated in the public health White Paper, and which I think is really important to our agenda and to improving children's outcomes. So my drive is not to challenge the work that is going on elsewhere, but to ensure that there is a balance of expenditure, with appropriate expenditure going on children's services. And there are those targets. It is probably worth reiterating that there is a target around children's mental health services, which PCTs will have to meet. There is a target that we share with health around teenage pregnancies, which we both have to meet. There are targets around drug abuse, which we all need to meet. So there are some pretty powerful targets, which will also drive expenditure decisions over time.

Q601 Mr Chaytor: This week the Secretary of State for Health said that he would be happy for hospitals to close as a result of the choice policy. It is all very well having targets for PCTs, but if PCTs are landed with the costs of dealing with a hospital closure, they are not going to find it easy to meet their targets in the primary care area.

Margaret Hodge: There are huge pressures on PCTs. We all know that from our own local PCTs. I am not denying the tension.

Q602 Mr Chaytor: The pressures will be greater because of government policies in a different area, and it brings in the question of integration across the departments, does it not?

Margaret Hodge: What I would put to you are two issues. One is that there is an expansion of resources going into health—a massive expansion of resources in real terms. So we need to secure a share of that. The second is the question—

Q603 Chairman: There are massive resources going into health? Could you repeat that last sentence?

Margaret Hodge: There is an expansion of resources going into the Health Service. The second is the presumption that you make—that this will put additional pressures—which is one that I am sure Health Ministers would challenge. That is all I can say to you, but I accept that there are tensions.

Q604 Mr Chaytor: Perhaps I could pursue the line of argument with respect to education and school admissions. The same principle is operating here, and the Government is encouraging more popular schools to expand. Surely the impact of that is likely

to be felt most severely in the very 20% of the most deprived wards where you are going to establish the SureStart Children's Centres. I can envisage across the country, in some of these more deprived wards, less popular schools disappearing because of the impact of greater choice, leaving the control in the local community, whilst at the same time the Government is coming in and building a SureStart Children's Centre. To many of our constituents, the threat of the loss of their secondary school or of their primary school will not be compensated by the building of a SureStart Children's Centre.

Margaret Hodge: I think there is an interesting, almost philosophical, value-driven issue here. I have always believed that parental choice—

Q605 Mr Chaytor: Do you accept that schools will close under the impact of parental choice? If popular schools expand, the other schools must start to contract.

Margaret Hodge: Let me come back, because I have always believed that choice by the user—whether it is the patient, the parent or the pupil—is an important driver for improving quality. I have always believed that. Again, I think that is a lot of the thinking behind our reform programme and it is a lot of the thinking behind the NHS reform programme. If that means a change in the configuration of institutions, so be it. It is always important to hang on to that. If we really want to raise the quality of public services, to which we are all committed, enabling user choice—which is a word we all feel more comfortable with—whether it is the patient or the pupil or the parent, is a critical driver to improving quality.

Q606 Mr Chaytor: Surely the change in the configuration of institutions is most likely to impact adversely on the 20% of the most deprived wards that you wish to focus on?

Margaret Hodge: No, I do not accept that. Honestly, I just do not accept that. If there is a school that is not performing well, what you first do is pick it up through your performance mechanisms and you try and support change and support improvement, and that means you get a good local school, which is what parents want. If parents vote with their feet not to attend a particular school, i.e. they exercise their parental choice, I think that is a pretty powerful driver. I do not think that we should try in our policies to diminish that driver. I think that it is a really important way of improving quality. So I feel that—with all my long, traditional values.

Q607 Mr Chaytor: The question I am trying to raise is that the choice—

Margaret Hodge: And it may mean change.

Q608 Mr Chaytor: Choice is not infinite. There will be parents who are left without choice. This is the logic of government policy in both health and education, it seems to me.

Margaret Hodge: But you do not retain choice by simply maintaining poor-quality services.

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Q609 Mr Chaytor: Of course not. I do not think anyone is arguing that. We are trying to spell out the implications of the full-blooded choice agenda, which is now being advanced.

Margaret Hodge: I think that we differ on that one. I think choice is a good driver. It is a democratic driver.

Q610 Chairman: What is the percentage of schools in special measures that are in the 20% of most impoverished wards?

Margaret Hodge: I do not know the answer to that.

Q611 Chairman: Could you find out?

Margaret Hodge: I will find out and let you know.²

Q612 Chairman: Your constituency, or mine or that of any member of this Committee—whilst many of us will be in favour of choice as you are, if the knock-on was that we would cease to have schools in the most deprived areas of the communities we represent, that would be worrying to you, would it not, Minister?

Margaret Hodge: Of course. I think that is a bleak picture that he paints. If you look at the record of where standards have improved most, they have improved most in those most deprived areas where, before we came into government, the quality of the offer to the children was weakest. So our actual record may give some comfort to David's fear that it means that it is going to—

Q613 Mr Chaytor: Without prolonging this point, I think that you are conflating the question of the schools where standards have improved most and the schools that are most popular. The two are not necessarily the same. You can have schools that are doing a very good job, with high standards, but yet which remain not popular to a sufficient number of parents for the school to be viable. That is the real issue.

Margaret Hodge: I agree, and that is why all that we are doing about the school profile and opening schools to public account is so important—so that parents make a choice based on real information. I agree with that. That is why I was so keen on all we did in the early days. Playground gossip is not a good alternative.

Q614 Mr Chaytor: Could we move on more specifically to the question of funding? The figure you gave for the increase in Early Years funding since 1997 was a 40% increase—one billion to four billion.

Margaret Hodge: Over four billion.

Q615 Mr Chaytor: Can you remind us, in the next three-year spending period, how much will be allocated (a) to Early Years and (b) to the implementation of the *Every Child Matters* programme overall?

Margaret Hodge: Over this spending review period we are doubling the investment. It is a 23% real-terms increase each year over the spending review period. So it is massive.

Q616 Mr Chaytor: From four billion to eight billion?

Margaret Hodge: Within that four billion is the nursery education—

Q617 Mr Chaytor: We need some hard figures here.

Margaret Hodge: Can I send them to you? I do not have it with me today. I was looking at them last night. When we came in 1997–98 it was about £1.1–£1.2 billion, something like that. It is now over four in 2004–05. It is going up from 2005–08. It is doubling; but what is doubling is the SureStart budget. In that overarching figure which I gave you I included nursery education investment as well. So I have to extricate the nursery education from the rest. But I will let you have that breakdown of figures.

Q618 Mr Chaytor: Could you give us, within that figure of four billion or whatever, exactly how much is earmarked to the development of the *Every Child Matters* work?

Margaret Hodge: That figure I gave you is entirely to deliver the Early Years and childcare paper that we published before Christmas.

Q619 Mr Chaytor: So in addition to that there will be a budget allocated for the development of the basis—

Margaret Hodge: Yes, and that goes—

Q620 Mr Chaytor: The incentives to the primary care trusts and so on.

Margaret Hodge: Yes.

Q621 Mr Chaytor: If we could have a figure for that, it would be useful.

Margaret Hodge: You can certainly have a figure for the growth in spending over this period for the children's—

Q622 Chairman: Presumably the Treasury has crawled over this policy.

Margaret Hodge: Yes—all the time.

Q623 Chairman: Is it 3,500 Children's Centres?

Margaret Hodge: Yes.

Q624 Chairman: They have a column where it says 3,500 times—how much each, roughly? Average?

Margaret Hodge: There are two figures, Chairman. One is the capital investment that is required—

Q625 Chairman: Which is how much?

Margaret Hodge: And, on the whole, if we build on existing infrastructure of nursery schools, schools, family centres, early excellence centres, the capital investment will be less than it was in the SureStart capital programme. There is then some work that we are currently doing, which—

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Q626 Chairman: Could you put an average figure on how much it will cost—each one?

Margaret Hodge: No, because it really depends on where you are starting from. Anyway, because local authorities will be in the driving seat for developing those facilities, there will be a capital sum given to local authorities. I do not think the capital will be massive. It will not be like the SureStart Children's Centres that we developed to date.

Q627 Chairman: There are a lot of centres—3,500.

Margaret Hodge: We have 2,500 that are funded through to 2008.

Q628 Chairman: But there is still a lot of money—3,500 centres.

Margaret Hodge: Yes. Well, there is a doubling of the budget.

Q629 Chairman: Capital cost and running costs.

Margaret Hodge: Yes.

Q630 Chairman: Can you give us those figures?

Margaret Hodge: We are now currently developing the models for the revenue funding of the SureStart Children's Centres over time.

Q631 Chairman: So the Treasury will let you go ahead without the figures?

Margaret Hodge: No. But we are developing the model of how you then articulate that in terms of SureStart Children's Centres in deprived areas, and those in less deprived. They will be very different.

Q632 Chairman: You know the figures, and it is a secret between you and the Treasury how much this will cost?

Margaret Hodge: No.

Q633 Chairman: You will not share them.

Margaret Hodge: No, we had some assumptions on which the budget was made. I have got the figures here, so I can come back to you on that. We had some assumptions. The details, which we need then to discuss with our local authority colleagues, are currently being worked on. They will be out in either February or early March. I am not hiding anything. We are just working out the details. We have assurances from Treasury that the revenue funding that arises from the capital commitment will be met. The figure on SureStart, if we just take that, in 2004–05—so that is not nursery education—is £866 million. It rises in 2007–08 to £1.784 million [*sic*].

Q634 Mr Greenway: Billion?

Margaret Hodge: £1.7 billion. Nearly £1.8 billion.

Q635 Mr Chaytor: What will be the typical cost of an individual SureStart Children's Centre? Presumably the costs will be fairly uniform.

Margaret Hodge: No, they will not. The costs will not be uniform. The sorts of services that you provide in a deprived area will be very different from the sorts of services that you provide in an area with

lesser need. The sorts of services in a rural are very different from an urban—those sorts of things. But what I can assure you of—and this may be helpful to you—is the way in which we are working these calculations is very bottom-up. So if these are the services that we want SureStart Children's Centres to be able to provide, what is an appropriate funding which will enable that to happen. They are not going to be short-changed in any way. What we have learned from the first six years of SureStart is what works—so we are going to spread that a little bit—and what we also want to achieve is something that Mr Holmes was talking about: that the mainstream services make their commitments to SureStart. So in areas, for example, where health visitors have been funded out of SureStart programmes, they should be funded out of PCTs. Equally, local authorities that have not funded family workers in SureStart programmes—they should come out of local authority budgets. So there is a bit of that going on. There are some savings that we will get because SureStart local programmes will not have to have their own finance officer, their own human resources officer, because they are now linked into the local authority. But, bottom-up, they will be properly funded. I can promise you that.

Q636 Mr Chaytor: But if you do not have a figure for the typical SureStart centre, or for the average cost of a SureStart centre, how do you know you can afford 2,500?

Margaret Hodge: In part because that is the basis on which discussions with the Treasury have taken place. I can just give you that assurance. It is just that at the moment we are doing the nuts and bolts, before we talk to—

Q637 Mr Chaytor: But beyond 2008?

Margaret Hodge: We are looking at how we employ this financial settlement to local authorities.

Q638 Mr Chaytor: Beyond 2008 there will be a further 1,000.

Margaret Hodge: Yes.

Q639 Mr Chaytor: But we do not have any figures for that yet?

Margaret Hodge: No.

Q640 Mr Chaytor: Why the total of 3,500? Do you see my point? Without any understanding of the cost—

Margaret Hodge: It is just that Government works in three—

Q641 Mr Chaytor: An arbitrary figure is plucked out of the air and built into the programme.

Margaret Hodge: No. Government works in three expenditure cycles, and we have not yet embarked on the next spending cycle. However, the way in which we came to 3,500 was looking at the number of children served by the current SureStart local programmes, and looking at what that would mean if you had one in every community. I have to say to you that it is my view that some local authorities

9 February 2005 Rt Hon Margaret Hodge MP

will develop more SureStart Children's Centres, so that we will probably, over time, end up beyond the 3,500 figure, because some of their community boundaries will not make sense in the way that we have defined them. But that seems to us an appropriate figure to fulfil our ambition of having a SureStart Children's Centre in every community.

Q642 Mr Chaytor: Could I ask one further thing? When the previous Secretary of State for Education announced, essentially, the nationalisation of school funding, bypassing local authorities, he gave any future secretary of state huge powers to influence and incentivise schools. Is the department intending to use that power to incentivise schools to co-operate with the *Every Child Matters* programme? If not, would you accept that schools, particularly secondary schools, will still be driven by five A to Cs at GCSE?

Margaret Hodge: We are taking a number of steps to try and encourage schools to engage in *Every Child Matters*. Part of it will be incentives around funding, for instance for developing extended school services; part of it will be driven by the inspection framework and the way that schools will be inspected against the outcomes; partly we are looking at the model that we have had around school workforce remodelling. We are going to use the Pat Collarbone organisation—I cannot remember what it is called, but her organisation that has gone round promoting the school workforce remodelling—the National Remodelling Team—we are going to use them to work with schools, so that they understand the impact of *Every Child Matters* on their agenda. We are looking at statutory guidance again, I am afraid—another bit of guidance to go to schools. I have worked pretty hard with the previous schools Minister to ensure that the new school profile that every parent will get reflects the *Every Child Matters* agenda. And the conversation that individual schools have with their school improvement partners annually will also cover the *Every Child Matters* agenda. So there is quite a powerful set of levers that we are putting into place, which we hope will encourage the change that we seek.

Q643 Mr Chaytor: So you are accepting that the existing system of performance tables does not actually help your objectives?

Margaret Hodge: As they are currently framed; but, as they will be framed with the new inspection framework, and as a school profile, that should change.

Chairman: We are running out of time, Minister. We have kept you a long time and we thank you for that. The Education and Skills Select Committee seems to be a strange zone for the Freedom of Information Act. We do not seem to be getting much information from you. You promise it, and we need it to write up our report. We really do need some figures, and we do not just need the figures for how much the Early Years programme is going to cost, but we also need what your figures are for the implementation of *Every Child Matters*. That is a different sum, is it not, and a different budget? You will see our concern, because we admire your passion and commitment to *Every Child Matters*, but the old cynics on this Committee—and I think that we all are reasonably cynical—

Mr Greenway: No, we are not!

Q644 Chairman: We are slightly worried about where this money will be magicked from. If you could reassure us that not only do you have the programme but you have the money, and the Treasury is happy, and we can see some figures to back that up, we would be very grateful.

Margaret Hodge: I certainly will provide you with the figures—and apologies for not having them this morning. I am not hiding behind any mal-intent on that. I hope that I can convert cynics to missionaries. I think that this is an incredibly exciting programme, Chairman. It makes being in government worthwhile. I think that if we can get halfway there, in terms of the outcomes we achieve for children, it will be something we will all remember.

Q645 Chairman: We are not cynical with respect to the ambitions of the legislation. We would wish it well. Our job is to make sure that it gets there.

Margaret Hodge: You hold us to account, and that is completely appropriate.

Chairman: Thank you.

Supplementary memorandum submitted by Margaret Hodge MP

When I attended the Education and Skills Select Committee on 9 February I promised to write to you with some further information.

I said that I would send the Committee details of projected funding for early years and childcare provision and the typical cost of a SureStart children's centre: please see the annex to this letter.

The issue of the evaluation of the SureStart programme came up during the course of the Committee's questions. You referred to research which suggested that two-thirds of SureStart had not been successful. I think that you may have had in mind some quite recent interim findings from the National Evaluation of SureStart (NESS) which showed that 24% of SureStart Local Programmes were being more effective than would have been expected across a range of indicators.

I am aware that this finding has been widely misinterpreted as suggesting that the remaining Programmes were ineffective. That is most certainly not the case. The NESS research found that SureStart local programme areas were more than twice as likely to be defined as especially well-functioning (on the basis of a range of outcomes for children) than were those without a local programme.

Paul Holmes asked me about the amount of money that was currently being spent through pooled budgets. Unfortunately we do not hold that information. The Department of Health operates a notification system for pooled budgets set up under the Health Act 1999 which include the NHS; however there is no requirement for partnerships to register their pooled budgets or to update the sums of money involved. We do not propose to collect information about the budgets that are pooled through children's trusts.

You asked for information on the funding provided to support implementation of the Every Child Matters: Change for Children reforms. These are set out in *Every Child Matters: Change for Children* at paragraphs 4.16 to 4.25—see Annex B.

We have made it clear that there are already significant resources available to improve outcomes for children and young people and that those resources are being increased over the three years to 2007–08. Additionally, we are providing the resources to support the implementation of the Every Child Matters: Change for Children programme. It is my strongly held view that, in addition to the significant investment by Government in children's services, Every Child Matters: Change for Children is also about enabling front-line services to use their resources more efficiently. Working practices which add synergy and remove duplication of effort will go a long way to achieving this.

During the course of David Chaytor's questioning I promised to send the Committee details of the number of schools in special measures that fall within the 20% of poorest wards.

The level of deprivation in an area is determined by their ranking on the Index of Multiple Deprivation (IMD) 2004, which was published last year by the Office for Deputy Prime Minister. IMD2004 replaced the 2000 ward based Index of Multiple Deprivation. IMD2004 uses the newly devised (by ONS) geographical unit known as the Super Output Area. SOAs are generally smaller than wards; their advantage over wards is they are more equal in size, measured by population, and are less subject to change over time.

There are 88 schools in special measures that are in the 20% most deprived SOAs in England. This represents 30% of all schools in special measures. The remaining 208 or 70% of schools are spread across the other 80% more affluent SOAs.

Finally, I thought the Committee might welcome the opportunity to read the evaluation report prepared by Professor Cleaver for DIES on the information sharing *Trailblazers*, published in November 2004. This relates to research carried out between October 2003 and August 2004. I enclose a copy of both the full report and a summary.

The report's findings are presented around three themes: changing culture and practice (pages 3–28); supporting collaborative practice (pages 29–51); and using IT systems to share information (pages 52–68). At the time the fieldwork was undertaken, a handful of Trailblazers had indexes which were operational and these had been running for only a few months.

The report's conclusion and recommendations on the use of IT systems are on pages 68–69, and I should like to draw the Committee's attention to the conclusion's opening sentences:

“Outcomes for children will be improved if practitioners communicate and services are delivered in a co-ordinated way. A child index with details of how to contact other practitioners involved could aid this process but must not be seen as the whole solution . . .”

As I emphasised in my oral evidence to the Committee, I very much agree that changing working culture and practice is paramount and that IT systems to support practitioners must be as simple as possible. Professor Cleaver's report helpfully highlights the practical implementation issues but it does not call into question the concept of having IT indexes.

We are continuing to build on Professor Cleaver's research by commissioning further work on the impact of indexes in Trailblazer areas now that most Trailblazers have these in place and some have been operational for a little longer. This will inform the business case for full implementation. Let me reassure you again that we will continue to take a steady, staged approach and we will not move to national implementation until we are satisfied that the indexes will be technically robust and a sound investment.

I hope that this further information will be of help when the Committee's prepares the report of its Inquiry into *Every Child Matters*.

Annex A

SURESTART FUNDING AND CHILDREN'S CENTRES: ADDITIONAL INFORMATION

SURESTART FUNDING

- In 1997–98, something in the region of £1.2 billion was spent on childcare and nursery education (including £562 million provided to local authorities through the “under 5s sub-block”) A broadly comparable figure for 2004–05 would be £3.57 billion (including £2.1 billion for nursery education paid through the “under 5s sub-block”), and we expect the figure for 2005–06 to rise to just over £4 billion (including £2.89 billion from the “under 5s sub-block”).

-
- Following the substantially increased funding announced in Spending Review 2004 and Pre-Budget Report 2004, allocations for the SureStart operational budget (ie not including “under 5s sub-block” money) for the current financial year, and the next Spending Review period, are as follows:
 - 2004–05 £866 million
 - 2005–06 £1,144 million
 - 2006–07 £1,671 million
 - 2007–08 £1,784 million
 - As a result of the increased funding, SureStart resources will more than double over the four year period, a rise in average annual real terms of 24%.
 - These figures include the Transformation Fund of £125 million per year from April 2006 that the government is creating to support investment by local authorities in high quality, affordable and sustainable childcare.

THE STANDARDS FUND

- Other funding is being made available to support the development of extended schools through the Standards Fund route. This money may be used for to provide childcare in Extended Schools, but has not been specifically allocated for that purpose. It may be used flexibly to support a range of extended services. The figures are:
 - 2003–04 and 2004–05—£44 million in total
 - 2005–06—£1 07 million
 Figures for later years have yet to be agreed.

SURESTART CHILDREN’S CENTRES

- *Choice for parents, the best start for children: a 10 year strategy for childcare*, published in December 2004, set out our aim of a children’s centre for every community by 2010.
- Based on the projected number of children under five in the population, and each centre serving a population ranging from 800 (in the most disadvantaged areas) to 1,000 children (in more affluent areas), this would require around 3,500 centres.
- The level of funding to develop children’s centres is additional to other existing resources being invested in children under five and their families—for example: ante- and post-natal midwife support and health visitor services, and early education for three and four year olds.
- Additional costs required per will also vary depending on what the centre has been developed from: an existing SureStart local programme, for example, will need less investment than a new build. Resources will also need to reflect the expectation that children from poor families will need more investment than those from more affluent backgrounds. As a result, average cost per cent are is a misleading concept.
- Allocations to local authorities will be based on number of children under five living in the local authority area at a unit cost per child. There will be a higher unit cost for children living in poor households. Long term, we have assumed an average unit cost in the order of £470 per child for children from deprived backgrounds and £100 per child for those from more affluent families. As now, this will be additional to other spending on services for under 5s and their families.
- The following table shows the additional resource that has been allocated for progress towards the 3,500 children’s centres target:

<i>SR period</i>	<i>Number of new centres</i>	<i>Revenue</i>	<i>Capital</i>	<i>Comments</i>
2020	Around 1,000	£117 million	£317 million	Capital for around 1,000 centres Revenue allocation assumes most centres fully open near to end of period (March 2006); these resource in addition to other unit resources for pre-existing programmes—SSLP, NN, EEC.

<i>SR period</i>	<i>Number of new centres</i>	<i>Revenue</i>	<i>Capital</i>	<i>Comments</i>
2004	1,500	£584 million	£429 million	Capital for 1,500 centres. Revenue support for 1,000 opened by March 2006, plus 700 new centres (again assuming most new centres fully open near to end of period (March 2008) and in addition to SSLP and NN resource).
2006	1,000	To be agreed with HMT	To be agreed with HMT	Will need to include revenue with HMT agreed support for 2,500 centres with HMT already open, plus capital and revenue for 1,000 further new centres.

Annex B

The following paragraphs are reproduced from *Every Child Matters: Change for Children*, Chapter 4.

4.16. There are already significant resources devoted to improving outcomes for children and young people in Local Authorities, local health services and other partners such as Connexions, Youth Offending Teams and Children's Fund partnerships. Many of the activities underway will, as well as leading to better outcomes, improve efficiency by removing duplication between services and bringing budgets together where appropriate.

4.17. In 2004–05 and in 2005–06 all Local Authorities are receiving a Safeguarding Children Grant of £90 million to help them respond to the recommendations of Lord Laming's Report of the inquiry into the death of Victoria Climbié. This grant is being used to improve a wide range of services to help safeguard children. Its use is being monitored through the performance assessment process for Local Authorities.

4.18. A local Change Fund grant of £15 million, for an 18-month period to March 2006, has been allocated across all Local Authorities to help them to build on progress in setting in place children's trust arrangements. Local Authorities can spend the grant on any aspect of children's trust arrangements, including multi-agency and multi-disciplinary working, common assessment, information sharing, joint commissioning or setting up Local Safeguarding Children Boards. While this small grant will allow local areas to kick-start change in various ways, the increased efficiency of more joined-up working and less duplication gives every incentive to reconfigure baseline budgets in order to support new ways of working.

4.19. Budget 2004 announced that the Formula Spending Share for children's social services would rise by £500 million between 2005–06 and 2007–08 to a total of £4.5 billion and that investment in early years and childcare would increase by £769 million between 2004–05 and 2007–08. Children's health services will also benefit from growth in NHS expenditure by almost 70% in six years from £33 billion to almost £56 billion. It will rise steadily over the next five years to more than £90 billion. These extra resources are producing results.

4.20. In addition, the Government is making available specific resources to support the Every Child Matters: Change for Children programme. This funding, combined with more effective use of existing resources, means it is not a pressure on council tax. The Government is committed to working with Local Authorities, their representative organisations and their partners as policies are developed further to ensure that they do not place new, unfunded burdens on Local Authority resources.

4.21. There will continue to be grant resources for ongoing work to reduce teenage pregnancy, improve the life chances of looked after children, including through improving foster care and increasing adoption and special guardianship, for improving child and adolescent mental health services, and for supporting the development of extended schools.

4.22. The Government will be making available £22.5 million in 2006–07 and £63 million in 2007–08 to help Local Authorities implement the changes in this document. We will discuss with local government partners how precisely this money should be allocated. This means of allocation will be consistent with the Government's aim to reduce ring-fencing and will ensure that there will not be an increase in real terms in ring-fencing of children's social services resources in any of the financial years.

4.23. The Government is committed to rationalising and simplifying funding streams wherever possible and will be discussing with local government partners how best to achieve this.

4.24. Additional resources are also being made available to the Children's Workforce Development Council to deliver the workforce reform agenda (£15 million in 2006–07 and £30 million in 2007–08), and are being held centrally to support national-level initiatives on:

- the development of information sharing indexes (£5.5 million in 2006–07, £23.75 million in 2007–08);
- support for parents and carers (£5 million in 2006–07, £10 million in 2007–08); and
- support for foster carers and other activity to improve the life chances of children looked after by Local Authorities (£5 million in each of 2006–07 and 2007–08).

4.25. A further £1 million in 2006–07 and £2 million in 2007–08 is being made available to support voluntary and community organisations to engage with local change, as set out in *Working with voluntary and community organisations to deliver change for children and young people*.

4 March 2005

Written evidence

Royal College of Nursing memorandum to the House of Commons Education and Skills Select Committee inquiry into Every Child Matters

INTRODUCTION

With a membership of over 370,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. RCN members work in a variety of hospital and community settings in the NHS and the independent sector, and in the field of children and young people they also work in education and social care settings. The RCN promotes patient and nursing interests on a wide range of issues by working closely with Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations.

The RCN welcomes the opportunity to contribute to the committee's inquiry. We strongly support the initiatives in "Every Child Matters", and we have welcomed the opportunity to work closely with the Department of Health and the Department for Education and Skills on its implementation. We are particularly encouraged by the focus on the five specific outcomes for children, however we retain some concerns around how services will be integrated.

1. THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION WITHIN INTEGRATED SERVICES

1.1 Health services perform an absolutely vital role within integrated teams. Children's nurses, community nurses and school nurses are an important first point of contact for children who may be at risk. Nursing staff also have a significant role to play in the public health agenda providing health education and health promotion services around the issues of obesity, sexual health and smoking. School nurses in particular play an important role in enabling children and young people to make healthy life choices. As a result the RCN welcomes the recognition of the importance of healthcare in children and young people's services in many of the initiatives under the umbrella of Every Child Matters.

2. THE PRACTICAL IMPLICATIONS OF THE "DUTY TO COLLABORATE" INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

2.1 The RCN is hopeful that the duty to collaborate will lead to an increase in the co-location of universal services at local level. The Chief Nursing Officer Review of the nursing, midwifery and health visiting contribution to children and young people¹, recognised the importance of the co-location of services in safeguarding the welfare of children and young people. The report identified strong support for nurses, midwives and health visitors to be co-located in community and school based children's teams, such as extended schools, Sure Start and children's centres. The RCN believes that the co-location of children and young people's related services in health, education and social services must be the logical outcome of greater collaboration between professionals.

2.2 The move towards a duty to collaborate is welcomed by the RCN however we feel that on a practical level it is important to develop a model of how integration will work in practice. The model should not be overly prescriptive but greater clarity is required to provide guidance to professionals on how they should work together on a day to day basis. Currently services are moving towards a joint commissioning approach. Whilst this is a positive development we feel there is a danger of a lack of consistency in the approach to joint commissioning. Developing a model of integration would help to ensure consistency across all services.

2.3 A further implication of the duty to collaborate is the need to develop agreements between health, education and social services on shared governance arrangements. In the sphere of health this is particularly important as care can be delivered by a range of individuals other than nurses, including parents, carers, and learning support assistants. Although their education and training is usually supplied by nursing staff, this can lead to problems within services around vicarious liability. As a result the care of children can become unnecessarily complicated and the focus is not always on what is best for the child. The RCN believes that staff in health, education, social services and voluntary organisations would benefit from a more joined up approach by developing clear principles for staff involved in carer roles. The RCN believes that this would help to ensure that integrated services are more child focused and less organisation focused.

2.4 It is important to recognise that the duty to collaborate will require a significant change in culture among all of the services involved and this may take some time to become embedded. It will be important to emphasise the importance of working across teams, particularly in areas such as information sharing. The use of shared language and a greater emphasis on training is crucial and should be supported and facilitated by management and integrated organisational systems and processes. Whilst co-operation between teams exists at present, there are no formal structures in place and instilling a culture of collaboration will be key to success.

¹ Chief Nursing Officer Review of the Nursing, Midwifery and Health Visiting contribution to children and young people, August 2004.

2.5 The RCN also believes that establishing accountability and responsibility among service providers should be a priority from the outset. As soon as a service is commissioned an individual should be identified who will take the lead on children's services. At the moment whilst individual practitioners in health, education and social services have clear lines of responsibility, this becomes less clear when services become integrated.

3. STAFF AND MANAGEMENT NEEDS; TEAM-BUILDING, LEADERSHIP AND TRAINING

3.1 In the implementation of Every Child Matters it is vitally important that *all* healthcare staff who come into contact with children and young people, receive the appropriate training in order to ensure the appropriate skill mix among staff. In order to achieve this, the RCN supports the development of core competencies for those working with children and young people. The CNO Review of nursing, midwifery and health visiting also highlighted the need for core competencies among nursing staff, making specific reference to safeguarding children and young people, effective communication with children and young people and child development and behaviour. Providing training to all healthcare staff in these core competencies will help to ensure early identification of need and where necessary, ensure the appropriate intervention.

3.2 The RCN also feels that there is a lack of core data about those working with children and young people. In particular our members feel that information such as the numbers of nursing staff working with children and young people, and their roles and responsibilities would help in future workforce planning. There is a need for robust mechanisms to capture data in order to ensure that the needs of local populations receive the best possible service.

3.3 For nursing staff working within integrated teams it is vitally important that they have access to professional leadership. When establishing integrated teams there should be clear lines of professional accountability and nurses should be able to easily access continuing professional development, clinical supervision and practice development, even though they are working as part of a collaborative team.

3.4 The RCN considers it essential that nurses are able to develop the appropriate leadership skills in order to work in partnership across agencies. Consequently the RCN has developed a leadership programme for health professionals with responsibility for child protection. It focuses on enhancing their communication skills and their ability to speak out for children as well as engage with and form coalitions with other agencies.

4. INSPECTION

4.1 The RCN believes that there is a need for greater clarity around the inspection of services. In particular it is essential that all services are inspected at the same level and to the same standard. In health it is essential to ensure that this uniformity of approach is applied regardless of where the health service is accessed.

4.2 Currently, integrated inspection teams have been established in some areas of the UK and those that do exist are moving in the right direction. However there remains a concern that there is a need for the inspection teams to involve practitioners working at the grass roots level. Staff working in the local area should be consulted in order to use their knowledge and expertise of what areas should be focused on in an inspection and how the results can be evaluated. Similarly there is need to involve both children and parents in the inspection process so as to ensure that the standards which services are being evaluated on are the standards which service users would expect.

5. LISTENING TO CHILDREN; THE ROLE OF THE CHILDREN'S COMMISSIONER

5.1 Listening to children is of utmost importance and the RCN is keen to emphasise that this must be done in an active way. The RCN advocates that organisations working with children should be given guidance on the best ways to engage with children and young people. There are many instances of good practice in listening and engaging with children, however the situation is inconsistent across the UK. In order to ensure that listening to children is a more active process the RCN believes that appropriate training should be available to all healthcare staff not only those who work directly with children and young people.

5.2 The RCN warmly welcomes the creation of the post of Children's Commissioner for England in the Children Bill, however we feel there are aspects of the post which still need to be addressed. In particular we believe it is imperative that the Commissioner has extensive experience of working directly with children and young people. We also hope that children and young people will be actively involved in the recruitment process following the example of Wales and Northern Ireland.

5.3 We feel that it is important the Commissioner has a proactive function through the power to carry out investigations. Doing so will enable the Commissioner to properly safeguard the interests of children and young people. However we appreciate the workload constraints on the Commissioner and understand that inquiries into individual cases will not be possible in every instance. Under the terms of the Children Bill as currently drafted, the Commissioner's qualified powers of inquiry allow for investigations into cases

which raise issues of relevance to other children. The RCN believes that this power, coupled with the need to have regard for the UN Convention on the Rights of the child is fundamental to the role of the Children's Commissioner as a champion for children and young people.

6. WORKING WITH PARENTS

6.1 Nurses, midwives and health visitors are the largest group of health professionals who have direct contact with parents. They are therefore ideally placed to engage with parents and if necessary facilitate access to support mechanisms such as voluntary organisations. The RCN believes that this role could be strengthened further if there was a greater understanding and awareness of the key role of health professionals among other professional groups working with children. In addition the process would benefit from greater shared learning opportunities across professional groups and agencies.

7. THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

7.1 The RCN strongly endorses the principle of information sharing as a means of strengthening child protection. The failure of different agencies to share information was recognised and highlighted in both the Laming and Richard inquiries. It is therefore imperative that this joined up approach is adopted.

7.2 The Children Bill proposes the creation of more than one database and whilst we recognise the reasons for this we would stress the need to ensure that the information can be cross referenced. We also have concerns around the information which will be stored on the databases as it is currently unclear exactly what information will be recorded. In particular, the Bill makes reference to the inclusion of any "cause for concern", however currently what constitutes a concern is left to the judgement of the individual practitioner meaning there may be a lack of consistency in the type of concerns recorded and subsequent action taken.

7.3 The RCN also has concerns about access to the database. Whilst it is important to ensure that appropriately trained and experienced healthcare staff have access to the information, this needs to be balanced against the need to protect sensitive information. We feel it would be important to consult with and engage children and young people's representatives on this issue as highlighted in Every Child Matters. Ultimately the success of any database of this kind depends on those who operate it. The RCN also believes that there must be clearer guidelines on what information can be disclosed and what must remain confidential. If there is no clear delineation of confidentiality there is a grave danger that children and young people will no longer feel able to trust and confide in the professionals working to protect them. We therefore underline the need for training for healthcare staff in operating the database to ensure information is recorded accurately and sensitively and that staff are fully aware of their code of professional conduct and accountability issues.

November 2004

Memorandum submitted by Contact a Family

1. INTRODUCTION

Contact a Family welcomed the overarching generic proposals within the Green Paper "Every Child Matters" of:

- supporting parents and carers;
- early intervention and effective protection;
- accountability and integration—locally, regionally and nationally;
- workforce reform.

We share the government's vision for better, more joined up services for all children. Although the primary concentration is on service provision for children, there is a commitment to support parents and carers, which we welcome.

Improving outcomes for all children and reducing social exclusion is a laudable aim. Disabled children and their families routinely face isolation and exclusion from all aspects of ordinary life. 55 percent of disabled children grow up in or on the margins of poverty. We know that three quarters of disabled children live in poor or unsuitable housing. We know that they experience childhoods which are impoverished of access to leisure and play. Families from minority ethnic communities face even greater exclusion than their white counterparts. Improving outcomes for disabled children must therefore be given priority.

What the independent experts say

The Social Exclusion Unit (September 2004):

“The single most important feature of the experience of families with disabled children remains poverty. Disability benefits often do not go far enough to redress the balance, as it costs up to three times as much to raise a severely disabled child. Childcare use is lower among groups such as families with children with disabilities, who face a higher risk of social exclusion. The inclusion of children with disabilities and/or special educational needs in all aspects of school life within mainstream schools continues to be an aspiration rather than a reality for many. Disabled children suffer specific problems from poorly adapted housing, and a lack of accessible play facilities outside the home.”

The Audit Commission (September 2003):

“Disabled children, parents, siblings and carers often struggle to lead ordinary lives and to get the support and services they need at the right time. [They face] a lottery of provision . . . too little being provided too late . . . [and] a maze of services.”

Every Child Matters: Next Steps set out the government’s thinking behind the Children Bill and we were pleased to see that the original vision had been revised following extensive representations after the original paper from organisations including Contact a Family.

2. APPOINTMENT OF A CHILDREN’S COMMISSIONER

The Bill clarifies the role of the Commissioner, who will have a policy scrutiny and monitoring role. S/he will also represent the views and interests of children, who will have a key role in appointing the successful candidate. The Commissioner will not pursue individual cases except enquiries into matters of particular importance identified by the Secretary of State.

There is considerable concern in the voluntary sector, which Contact a Family shares, over the independence of the Commissioner. We believe that it is vital that the Commissioner should have the freedom to investigate individual cases which s/he regards as important, without the consent of the Secretary of State. Even if the current Secretary of State does not withhold consent, future Secretaries may not be so benevolent and the Commissioner must be seen by parents and children to be independent and to truly be able to act as a champion for children. The Commissioner must take special steps to ensure that they are reaching marginalised children, such as those with disabilities.

3. SAFEGUARDING CHILDREN

There will be a duty on key statutory agencies to have regard to the need to safeguard children and new Boards to oversee this.

Contact a Family welcomes the greater emphasis on protecting children. We know that disabled children are three to four times more likely to be abused than non-disabled children. Sullivan and Knutson (2001) found that 31% of disabled children have been abused as opposed to 9% of their non disabled peers. Disabled children may face barriers to reporting abuse such as communication difficulties. They may be less able to defend themselves from violence or abuse. They may not have peer support networks and indeed may be subject to bullying as a result of their disability. When abuse is reported, evidence suggests that disabled people are seen as unreliable witnesses and prosecutions are rare. (MENCAP “Barriers to Justice” 1997)

The abuse of disabled children still remains a hidden problem. We would like to see a particular emphasis in guidance on the need to ensure that the protection of the most vulnerable children is given particular emphasis by the new Boards. Training must encompass the particular needs of those children who would find it especially difficult to report abuse, such as those with communication difficulties.

4. INTEGRATED SERVICES

The principles behind Children’s Trusts are sound. Parents speak to us about their frustration in having to repeat the same information time and again to different departments and then being passed from one to the other while financial responsibility is argued out. Pooled budgets across the LEA, Children’s Social Services and health services must be a positive step forward in alleviating many of these problems.

Contact a Family welcomes the establishment of Children’s Trusts as having the potential to deliver more joined up services to children and families. This Bill does not create Children’s Trusts as statutory organisations but encourages and facilitates their development. We have some concern that already some authorities are saying that they are not planning to create a Children’s Trust, although it is clear that they will be under intense pressure to do so. We would wish to see more intensive scrutiny of those councils who decide against a Children’s Trust to ensure that they are delivering the improvements to services that the government wants and families so desperately need.

5. DIRECTOR OF CHILDREN'S SERVICES

The Bill requires local authorities to appoint a Director of Children's Services, who may also chair the Children's Trust. The Bill allows wide flexibility in the way the role is constructed. As a minimum, the role should encompass the functions relating to children currently falling to the Chief Education Officer and Director of Social Services. Statutory guidance will confirm that they authorities are free to add adult education, adult social services, housing, leisure or other services to the Director of Children's Services role.

Contact a Family has serious concerns about the freedom to add adult services to the role. We welcomed the appointment of the Director of Children's Services precisely because it gave a senior individual the responsibility for children's services alone. To dilute this emphasis is in our view to weaken the role. The Director should be the champion for children and families only rather than having to also juggle the needs of adult service users. We would like to see this flexibility removed from legislation.

6. LEAD COUNCIL MEMBER

Each Local authority must appoint a Lead Council Member for Children's Services. Local authorities will determine the precise role.

Contact a Family welcomes the new role of Lead Council member. We would welcome guidance to the Lead Council Member that they should engage with families and the voluntary and community sector locally to establish the needs of children in their area.

7. INTEGRATED INSPECTION FRAMEWORK

An Integrated Inspection Framework for children's services will be developed by the Office for Standards in Education (Ofsted) working closely with the Commission for Social Care Inspection (CSCI), the Commission for Health Care Audit and Inspection (CHAI) and the Audit Commission, amongst others. These bodies will carry out joint area reviews.

We would like to see close involvement with the Children's Commissioner when carrying out joint area reviews. It would certainly be helpful for the Inspectors to know what feedback had been received from children in the area about the services they have received.

8. RESOURCE IMPLICATIONS

Contact a Family's major concern has always been that there will be insufficient resources to deliver real change for parents and children.

Contact a Family's Chief Executive, Francine Bates chaired the Disabled Children's module in the new National Service Framework for Children. This was subject to extensive consultation with parents and children as well as professionals from a variety of different disciplines. It sets out a clear statement of the standards expected to be applied to children's services. However, the government expects that it can be delivered within existing resources and we are uncertain that it can be truly effective without the financial support that was attached to previous NSFs.

9. PARENTING SUPPORT TO FAMILIES WITH DISABLED CHILDREN

The dual challenge for organisations representing disabled children and their families is to:

- (a) ensure that programmes aimed at all children, take account of the needs of disabled children and young people at their very heart;
- (b) that services and support to their parents and wider family members are not overlooked. To do so would be to fail to recognise that most disabled children live as part of a family, with one or both parents.

The problem is that policies to help disabled children and their families are likely to remain subordinated to other measures. Disabled children are included in policies aimed at all children and they are expected to benefit from a trickle down effect. Yet it is a fallacy to think that improving services for all children will necessarily improve them for all disabled children. They, and their families, may indeed benefit from some of them. But many disabled children have very particular needs which may not be met by their inclusion as an add-on to mainstream policies.

A very good example of this is the childcare allowance in tax credits. This is available equally to families with disabled or non disabled children.

However, the amount allowable is the same and is therefore too low to enable many parents of disabled children to afford childcare. Specialist home care agencies cost an average of £11 per hour, which for someone working only the minimum of 16 hours per week required to be eligible for the WFTC adds up to

£176 a week, even assuming no commuting time. Yet allowable childcare costs are capped at £135 a week, of which a maximum of 70% is paid in tax credits. As a result, many parents are discouraged from seeking paid work. Only 3% of mothers with disabled children work full time and indeed only 13% work part time.

This problem is exacerbated by the rules which mean that less money is paid toward second and subsequent children (ie there is a cap of £200 per week on care provided to two or more children). This rule is presumably based on the assumption that the second child can be cared for by the same childminder without the costs doubling. However, this rationale does not hold where care is provided to a disabled child who is likely to need a very different form of care from their siblings.

The Inland Revenue's own Child and Working Tax Credit Quarterly Statistics April 2004, show that, of in-work families receiving tax credits at a rate higher than the family element, those families with disabled children are less likely to benefit from the childcare element. 14.6% of families with no disabled children are benefiting from the childcare element, compared to 7.8% of families with one disabled child and only 3% of families with two or more disabled children. These figures reinforce the no doubt unintentionally negative consequences of a one size fits all approach.

We are concerned that the similar one size fits all approach of the Children Bill could have the unintended effect of leaving disabled children and their families behind. Parents with disabled children need very specific parenting support and most would not wish to attend, call, or benefit from support services aimed at all parents. They would feel that the unique challenges and difficulties that they face would not be understood.

The way to combat this in our view is for the government to commission a disabled children's strategy.

We consulted with parents of disabled children about the Green Paper and there is a strong feeling that these proposals will not deliver the specific outcomes that families so desperately need. Parents are justifiably angry that many families are trapped in a cycle of poverty, without adequate services. In short, many still struggle to attain a basic quality of life. Parents of disabled children sadly feel that their child does not matter to those who are responsible for policy and practice.

Parents feel particularly frustrated that the problems they face are long standing. They are consulted about what they need on a regular basis but there then seems to be no follow up action to actually deliver the improvements that they say they want.

It is our strong view that concerted action is required to address the specific needs of disabled children, over and above the proposals contained in the Green Paper. The Green Paper, together with the National Service Framework for Children, the SEN Action Programme and specific action to address child poverty, could form the basis of a strategy for disabled children. This would be an overarching strategy across government and contain specific and measurable targets for supporting disabled children and their families.

This recommendation is in line with the findings of the Audit Commission report "Services for Disabled Children" 2003.

Any such strategy must be backed by the resources to deliver it effectively.

November 2004

Memorandum submitted by the National Youth Agency

The NYA welcomes many of the proposals in the "Every Child Matters" paper and subsequent legislation. Its emphasis on better co-ordination of local services, including health, social care and education, sharing essential information among professionals, accountability and an effective workforce are all essential in developing robust and responsive services for children and young people.

We support the Government's acknowledgement that youth work is uniquely placed to support young people's personal and social development, but feel that current thinking does not adequately reflect the particular vulnerabilities of young people, as distinct from those of children. "Every Child Matters" also generally presents children and young people as passive recipients of adult care, rather than one of the partners and active citizens with a full range of human rights, responsive to the issues and concerns they face.

Much of our response is based on the NYA's extensive network of Local Authority members, voluntary organizations as well as young people.

The NYA believes that names matter. So, as a first step, all Children's Trusts should be named "Children's and Young People's Trusts" as an overt expression of this concern and as a recognition of the often very different needs of children and young people. Similarly, the Director for Children's Services should be called the "Director of Children's and Young People's Services".

1. THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

The NYA welcomes the principle of integration of these services as long as they are around the needs of children and young people. The emphasis of the role of the Director of Children's Services will need to focus not only on children, but also young people. The role will therefore require extensive knowledge of the specialist skills required in youth work.

The Government Office for the South West², looking into departmental readiness for Children's Trusts, found that youth services had more influence if they were located out of education departments as the PYO was more likely to be at the table in that instance. Where they are located in education, the youth service is deemed to be represented by the Assistant Director or Director of Education.

The participation of children and young people in services that affect them is essential.

2. THE PRACTICAL IMPLICATIONS OF THE "DUTY TO COLLABORATE", INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

The NYA welcomes multi-disciplinary teams and urges that youth services are represented in them to give youth work a voice. However, there is no requirement on the duty to collaborate with voluntary organisations. Will they have this duty only if they receive funding from the local authority or if they are working with young people? There will be significant implications if the answer is the latter.

Voluntary organisations provide significant services for young people at the local level, and are often commissioned by the youth service and other departments to do so.

A good example of multi-disciplinary working occurred when local authorities made posts for Joint Heads of Health and Social Services—these overcame barriers effectively, and good practice could be shared from these.

There is a common held view that staff and facilities should be located in the place most conducive to achieving the task and the impact ie not an automatic assumption that the location will be schools.

3. STAFF AND MANAGEMENT NEEDS: TEAM-BUILDING, LEADERSHIP AND TRAINING

A good deal of work has been done in relation to youth work and this may be applicable to workforce reform proposals for the Education and Skills Committee. The NYA report "Transforming Youth Work: Ensuring a high quality workforce" sets out a strategy for workforce development. The group considered the priorities to be:

- The development of work-based routes into the youth work profession. Across all those working with children, the priority should be the development of a range of alternative routes into professions through work-based and higher education qualifications based on National Occupational Standards.
- Reform of the higher education funding system, to bring about parity in the funding of youth work provision and equivalent professions such as teaching, social work, allied health professions.
- Appropriate sector skills council arrangements. Youth work should be part of the Lifelong Learning Sector Skills Council.
- Guidance and an accreditation process for staff development policies in youth work organisations.

All those working with children should share a common core of skills and knowledge as well as an appreciation of the values, ethos and approach of others working in the field, as this will enhance the knowledge base of professionals.

The NYA with Ford Partnership Management and in close collaboration with senior youth work and Connexions staff have developed cross-agency management training. This is extremely successful and offers a useful model on which to build.

We believe in the principle of shared core training for those who will be working with young people. Youth work would have a significant contribution to make with this for example:

- Active participation by young people.
- Methodology for reaching those who are the most disaffected and disengaged—eg detached work and work in PRUs.
- Approaches to informal education.
- Ways of offering information, advice and guidance.

There will be further demands on leaders in this new environment of Children and Young People's Services, but it should build on the work done in response to demands which followed Transforming Youth Work in the Common Planning Framework, the TYW Management Training Programme and the demands for partnership working.

² <http://www.gosw.gov.uk/>

4. INSPECTION

The NYA welcomes an integrated inspection framework across children's services, covering appropriate education, social services, Connexions, youth services and health services. The integrated framework would build upon the child-focused approach developed in joint inspections by tracking children's journeys through the system and asking their views. It should also encourage the involvement of young people in inspection teams.

Inspections must analyse sufficiency and quality. Existing Ofsted inspections of youth services are strong and have a high level of peer review so good practice could be learned from these.

The emphasis on outcomes is consistent with the drive of Every Child Matters and with all the work following "Resourcing Excellent Youth Services" such as the recent *Credit where it's due* document.³

5. LISTENING TO CHILDREN AND YOUNG PEOPLE; THE ROLE OF THE CHILDREN'S AND YOUNG PEOPLE'S COMMISSIONER

The NYA fully supports the commitment in "Every Child Matters" to promote the involvement of children and young people in local decision-making and in the design, delivery and evaluation of relevant services. Promoting children and young people as active citizens benefits them, organisations and the wider community.

The NYA welcomes the introduction of a Children's Rights Commissioner. This is essential to underpin these developments and stand as an independent champion for all 11.3 million children and young people in England, enabling their voice to be heard at the highest level. We believe the commissioner needs to be a strong, independent body with powers to champion and advocate for children and young people's rights.

The NYA in association with the Local Government Association, has launched revised "Hear by Right" standards for the active involvement of children and young people following an 18 month pilot phase across a range of settings in the statutory and voluntary sectors. Its aim is to offer standards for organisations across the statutory and voluntary sector to assess and improve practice and policy on the active involvement of children and young people. A Hear by Right review and planning template is key to improving the quality of participation and services delivered. A second template enables assessment of its impact through measuring improvements to specific issues raised by children and young people.

Currently, the Hear by Right Standards framework for the active involvement of children and young people is used by Ofsted in its assessment of youth service and Connexions provision. The NYA recommends extending them to become the national set of minimum standards for the involvement of children and young people. The NYA would be keen to work with Government to take this work forward.

6. WORKING WITH PARENTS

The NYA's particular concern is that young parents receive the specialist support that they require. The success of children's centres and parenting support has been largely due to developing trusting relationships with families and attendance being voluntary. It is essential for the success of these services that compulsory attendance through parenting orders are used only as a last resort and with utmost discretion. Peer education and peer support programmes are used for young parents (such as Home-Start) are also beneficial.

Youth work runs specialist projects for young parents. An example is the Teenage Mothers Mentoring Project, a Neighborhood Support Fund project in Sheffield. This works with young mothers (aged 16 to 17) to reduce social exclusion and re-engage them through a network of trained and support mentors, linking them with existing provision. It recruits peer mentors who have themselves experienced teenage motherhood to act as role models to help young mothers deal with similar challenges.

7. THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

The NYA supports the better sharing of information between agencies, and shares concerns about getting services to all children who need them. Information sharing is vital to identify and manage risk early on. This should centre on the needs of children and young people and their protection is paramount.

However, this needs to be balanced against children and young people's right to privacy and confidentiality. Unless these rights are protected there is a risk that they will not access a service, both for fear of losing these rights and concern about the consequences of doing so. Any information sharing procedures should accept the principle of informed consent, renewed according to age and competence. There is a need to ensure that children and young people's human rights are not infringed. (Article 8 of the European Convention of Human Rights)

³ *Credit Where it's Due* can be found here: <http://www.nya.org.uk/Templates/internal.asp?NodeID=90410>

It would be useful for more good practice to be shared between organisations to illustrate where information has been effectively used. 80 local authority youth services are currently implementing the NYA management information system, YouthBase, which enables them to record information about the young people they work with.

There are significant technical, financial and management issues in sharing data which need to be recognised. The DfES consultation paper on “Information Sharing Databases in Children’s services” is examining many of these issues, and the NYA will be responding to it shortly.

November 2004

**Memorandum submitted by Professor Peter Moss and colleagues⁴ from the Institute of Education
University of London**

1. The Institute of Education University of London has a wide-ranging interest in policies and services for children, young people and their families, including: education and schooling; early childhood education and care; out-of-school childcare; child welfare and social care, including fostering and residential care; relations across these sectors, the workforce in schools and other children’s services. The Institute is also strongly represented in the area of childhood studies, with its focus on children’s rights and participation. In all of these fields, the Institute has a national and international reputation, and a deep fund of knowledge and experience accumulated over many years of research and teaching.

THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

2. The government’s *Every Child Matters (ECM)* agenda places great emphasis on the role of the school, for example in its policies on extended schools and “wraparound care”. Yet, in some important respects insufficient attention has been paid to the school and its future within an integrated children’s services perspective. Indeed, there are signs of uncertainty and ambivalence about the place of the school, and whether government sees it as a “children’s service” or as a separate institution focused on educational attainment of a certain kind around which “children’s services” focused on other purposes will cohere. There is little discussion of the relationship between schools, including their management and teaching staff, and the other services co-located with them in extended schools. Will all these services and their personnel find a new meeting place where they can work together on a basis of equality, mutual learning and the search for new and common understandings? Or will schools, in which UK children already spend more time than most of their European peers, be the dominant partner leading to the possibility of what has been termed the “schoolification” of other services?

3. Most strikingly, the school workforce is treated separately from the remainder of the workforce engaged with children, both conceptually and structurally. Although teachers are one of the most numerous groups working with children, they do not appear in para 4.26 of the Green Paper as one of the groups of “professionals and non-professionals [who] might increasingly work together in different types of teams”. Within the DfES, there is a Children’s Workforce Unit and a Schools Workforce Unit. At the same time, responsibility for training teachers and others working with children is hived off to different organisations, albeit loosely connected through a “UK Children’s Workforce Network”.

4. Moreover, little attention has been given to how schools, as currently constituted, might have to change to enable them to take a holistic approach to children, to recognise children’s participation rights (with respect, for example, to the curriculum or the school day), to enable them to meet the key outcomes adopted by *ECM* and to be places where children will want to spend even longer periods of the day than at present. For example, the Green Paper quotes (page 16) evidence that almost half of 11 to 16 year olds in mainstream schools reported being the victim of some kind of offence in the previous year. In short, far more attention needs to be given to the implications for schools and teachers of a genuinely integrated and participatory approach to services for children concerned with children’s well-being and the development of their full potential. Matters to be addressed include schools’ organisation and practice, relationships between staff and children, the conceptualisation of children and young people (frequently referred to as “pupils” in the Green Paper), and how all these areas are interrelated. Or put another way, how might schools become more like Children’s Centres?

5. One of the main problems facing the development of integrated services is the need for the matching development of an integrated concept to underpin this approach to services. Without this concept, there is a deep-seated problem: we start from a position of fragmentation, then struggle to piece the fragments together, while an integrative concept would mean that we started from viewing children and work with children holistically. One such integrative concept is pedagogy, a theory, practice and profession for working with children and young people found today in most Continental European countries, where it has a tradition stretching back 200 years, but largely unknown in the English-language world. Pedagogy and the pedagogue address the whole child and treat learning, care and, more generally, upbringing as inseparable

⁴ Professor Priscilla Alderson, Dr Liz Brooker, Professor Sonia Jackson, Professor Berry Mayall, Dr Virginia Morrow, Professor Pat Petrie.

activities. In a country like Denmark, where pedagogy is, alongside teaching, the main profession in children's services, pedagogues are the main workforce across a wide range of services including early childhood and childcare services, residential care and youth work.

6. The Institute of Education has undertaken a wide range of cross-national studies of pedagogy and the pedagogue in recent years, partly funded by the government. Our conclusion from this work is that an integrative concept and profession, like pedagogy and the pedagogue, could have a vital contribution to make to progressing towards genuinely integrated services. At the least, they merit being considered more carefully by the government before workforce policy is finalised.

7. With regard to children in public care new organizational arrangements are not likely to lead to improvement unless there is a determined effort to tackle a number of longstanding problems. These include the instability of care with at least half of children experiencing frequent placement moves, and the chronic shortage of foster parents, reducing the possibility of placement choice. Professional foster care, with foster parents regarded as colleagues and paid accordingly, offers the only realistic possibility of obtaining suitable placements matched to the needs of children and able to support and enhance their development and education. The third problem is the change that occurred through the 1990s in the role of social workers, from caseworkers to case managers. All children in care need a social worker who feels a personal responsibility for them, is keenly concerned for their welfare and is prepared to act as their advocate when necessary. Children need to know and trust their social workers as well as the people who provide day-to-day care. Without this, structural changes are unlikely to feed through to improvements on the ground.

STAFF AND MANAGEMENT NEEDS

8. ECM raises two linked challenges on the staffing front. The first is how to develop a workforce that will support a more integrated and holistic approach to children and their families. The second is how to raise levels of education and pay among many key workers, in particular those working in the so-called childcare sector and those working in residential child and youth care.

9. On the former point, the government has decided to go down the route of retaining existing occupations while seeking to enhance connections and movement between them through, *inter alia*, developing a common core of training across the many various occupations and professions. Having undertaken wide-ranging studies of workforce developments in other countries, we are concerned that no attempt has been made to consider another option: re-structuring the children's workforce or large parts of it, through developing a new "core" profession such as the pedagogue (as found in Denmark), or "new" teachers (as in Sweden), or some other cross-disciplinary model.

10. These two options—greater connectedness within existing workforce structures or restructuring the workforce—are not necessarily mutually exclusive. New professions will not take over all occupations working with children, and some degree of shared training between those separate professions that would remain after restructuring (eg pedagogues, teachers and health workers) may be desirable. In saying this, we are not advocating any one option, but suggesting that options exist and should be set out at this stage of policy development.

11. On the latter point, the low educational level in both residential child and youth care and in the childcare sector need urgently to be tackled, either by raising existing NVQ requirements or, more boldly, by introducing the kind of "core" professional referred to above. Studies conducted at the Institute of Education show that in much of Northern Europe the education, support and qualification for work in residential care is more rigorous, and more rigorously expected, than in the UK. Here, research on local authority children's homes shows a steady decline in quality and outcomes for children over the past twenty years despite repeated initiatives aimed at improvement. In most areas residential care is regarded as a last resort for children who have severe problems. NVQ Level 3 is an inadequate qualification for this exceptionally demanding work.

12. This in turn requires the government to grasp the nettle of pay and funding, especially in the childcare sector where average pay remains only just above the minimum wage level, matching low levels of basic education. Revaluing this work cannot be done without an overhaul of funding.

LISTENING TO CHILDREN

13. Listening to children expresses an ethical and political relationship to children, built on an image of children as citizens with rights, as active subjects who are experts in their own lives and who are able to participate at all ages and in all services if adults are capable of listening to what Loris Malaguzzi (the first director of the world famous early childhood services in Reggio Emilia) called the "the hundred languages of childhood". The Institute has widespread experience in this field, working with children under and over five as well as young people, and developing a range of methods for listening to children. Based on this experience, our view is that supporting innovative practice and promoting examples of what is possible is important, as well as applying minimum standards for the involvement of children in the design and evaluation of services.

14. It is also important to develop a professional ethos or culture of participation across all occupations and services. One way to do this is to ensure that listening to and communicating with children forms an important part of training, both for particular occupations and professions (including teaching) and for any developments in common core or other forms of joint training. This involves both issues of practice (developing effective skills in communicating with children and acting upon their views) and theoretical underpinnings that promote practice such as childhood studies.

THE ROLE OF THE CHILDREN'S COMMISSIONER

15. The government has insisted that the Children's Commissioner in England should not assume an advocacy role for individual children. The argument put forward is that responding to individual complaints is antithetical to retaining a strategic focus and role: advocating for individual children is therefore seen as in opposition to advocating for children as a group. We are not convinced by this view. Experience of the Children's Commissioner in Wales—who adopts both roles and has dealt with over 500 individual complaints—provides support for the opposite viewpoint: that contact with individual children and their complaints informs more general advocacy.

FINAL COMMENT

16. We welcome many aspects of the *Every Child Matters* agenda, and recognise it as a major landmark in public policy towards children and young people. *ECM* and the government's new agenda on children's services mark an important development in public policy, attaching higher priority to children and families and addressing some of the structural problems that have bedevilled the field for so long.

17. Such an ambitious agenda requires good technical inputs (finding effective structures and processes). But it also requires a strong critical environment. Bigger and better services and policies may improve the lives of some children, but also risk "governing" children more, subjecting them to powerful normalising forces. Targets and outcomes can be treated as purely managerial tools, without appreciating that these are necessarily contestable in a democratic and pluralist society because they raise important ethical and political questions. For example, why is the outcome "being healthy" described in the Green Paper in terms of avoiding negative behaviours? Or why is "enjoying and achieving" reduced to school achievement?

18. This critical environment needs to encompass other issues which, unless addressed, are likely to impede achieving the government's goals. Two are of particular importance. First, there is no serious attempt to relate the lives, well-being and rights of children to the wider world of employment and economic change. While we recognise that parental employment can reduce poverty and enhance gender equality, we also believe that policies on employment need to take account of children's interests and rights, for example the right to enjoy family life and time with both parents (here, the long working hours of many fathers are of particular concern). Second, little attention is given to the social and political position of children and the conditions that would need to be met if children were to have their participation rights met, given their current low status as a social group in society and power relations between adults and children. This would require rethinking power structures and adult behaviour in all areas of life towards children as well as broad issues such as children's share of national resources.

19. In short, government policy on children and young people needs to be based on a critical understanding of the position of children and of childhood itself in our society, the relationship between children and adults, and the social and economic situation of parents. Such issues should form part of a vibrant democratic politics of childhood. Any enquiry into *ECM* needs to address how this politics of childhood can be promoted and sustained to avoid the government's good intentions becoming simply a managerial and technical exercise.

20. Two examples of how this democratic politics of childhood could be promoted concern training and the role of the United Nations Convention on the Rights of the Child. A notable omission from the suggested content for common core training for people working with children—an omission which could be readily rectified—is any reference to promoting critical understanding of the position of children and of childhood itself in our society. A democratic politics of childhood would be stimulated if the *ECM* agenda was related more closely to the UNCRC, which sets out a comprehensive manifesto of children's rights and needs. These are, of course, themselves subject to argument, interpretation and debate, and as such contribute to a democratic politics of childhood. But they would also do so by providing a set of principles and values against which policy and its implementation might be assessed. For example, in the light of the Convention there can be no argument for failing to give children legal protection from assault on the same basis as adults. The experience of other countries shows that this leads to a reduction in physical abuse and not to prosecution of parents for trivial offences. There is no mention of this issue in *ECM* but we consider it fundamental to a proper respect for children's rights.

Memorandum submitted by the Education Network, Democratic Health Network and Local Government Information Unit

1. INTRODUCTION TO TEN/DHN/LGIU

1.1 The Education Network (TEN) and Democratic Health Network (DHN) are part of the Local Government Information Unit (LGIU). Together the three organisations bring a unique span of expertise and engagement across issues arising from the children's services agenda—and a range of subscribers and affiliates which encompass all tiers of local government, health bodies, trade unions and professional associations. We provide a research and development service for our subscribers/affiliates, which includes:

- producing policy briefings for our subscribers/affiliates, providing them with up-to-date information and advice on latest government policy developments;
- research and analysis of government policy disseminated through research publications, good practice guides and national conferences/events.

2. OUR WORK TO DATE

2.1 The Unit has responded to the need to offer support to local authorities by establishing a cross-unit project team, led by TEN with significant inputs from LGIU and DHN colleagues. By sharing our collective expertise across education, health and local government, the project team has had considerable success in establishing a significant presence in the policy area of children's services. We have published three pamphlets:

- *Children's Services—some key organisational issues*, focuses on different organisational approaches to integrating services for children, young people and their families.
- *Every School Matters* is a consultation paper (produced in response to the Government's omission of schools from the consultation on *Every Child Matters*), which highlights schools' keystone role in the children's services agenda.
- *An introductory guide to children's social services for people working with children*, the first in a series which will include similar guides to health, education and possibly the voluntary sector. These are intended to make a contribution to breaking down the cultural barriers which exist between different professional groups working with children, by promoting an understanding of the way each other operate.

2.2 We are currently hosting two invited seminars, aiming to identify some of the challenges posed by *Every Child Matters* and to find some practical ways forward. The first seminar discussed issues of governance, accountability and integration of children's issues; the second will consider workforce implications of the new agenda on children's services. These are being attended by key national and local level stakeholders across all sectors involved in delivering the children's social services agenda. We are considering how we might disseminate the outcome of these seminars more widely. We would be happy to discuss the issues raised at the seminars with the Education and Skills Committee (the second seminar will take place on 26 November).

2.3 We are also setting up a Children's Services Learning Network for local authorities who are expected to bring three people with responsibilities in the three backgrounds. The Network aims to promote learning amongst participating partners in each local authority area, build capacity between these partners as well as to disseminate the learning more widely.

2.4 The challenges in *Every Child Matters* present a huge programme of change for practitioners in all services engaged with children, young people and their families. We therefore envisage that it will form a central part of our work programme for some time to come and that we will continue to build on and develop the work outlined above.

3. TEN/DHN/LGIU COMMENT

3.1 We share the Government's aims and objectives set out in *Every Child Matters* of improving the life chances of all children and young people through achieving the five outcomes related to being healthy (now including emotional well-being), staying safe, enjoying and achieving, making a positive contribution and economic well-being. We therefore welcome the approach which focuses on the holistic needs of children, young people and their families by bringing together education, health, children's social services and other public and voluntary services working with children and young people in a more integrated way.

3.2 However through our policy briefings and other publications, we have highlighted a number of issues of concern and during the passage of the Bill a number of issues have emerged that we think need further examination. Issues which the Committee might like to consider are indicated in bold italics in the text.

CHILDREN'S TRUSTS—GOVERNANCE AND ACCOUNTABILITY

3.3 We have concerns over arrangements for ensuring accountability and transparency for Trust decisions through its member organisations. The substantial differences between governance arrangements of democratically accountable local authorities and Primary Care Trusts, as well as differences in culture and priorities, will pose considerable challenges for Chairs of Trusts or partnerships. *All this raises the question of how do Trusts link back to the executive bodies of the local authority and other partners?*

In particular we are concerned by the lack of formal mechanisms for engaging the co-operation of schools and GPs—which are not brought into arrangements as statutory partners with proposals and activities arising from partnerships (Trusts). *In the absence of a statutory duty to co-operate with local authorities, it will be important to ensure that other mechanisms which Ministers have suggested should be employed to influence the conduct of schools (eg inspection and funding) are actually able to do so. The current proposal to extend the minimum funding guarantee for the next three years greatly diminishes any such prospect. Similarly it would be helpful to consider whether there are adequate incentives to persuade GPs to prioritise the five outcomes. These are both issues which the Committee could helpfully look at.*

The admirable concept of extended schools could include a variety of health-related services, but without a duty on GPs and their staff to co-operate in partnership arrangements, such developments will depend to a large extent on the individual goodwill of GPs.

Potentially schools have a substantial impact on the health and well being of children and young people, not just while they are attending schools, but on their ability to make healthy choices throughout their lives. Schools need more incentives and inducement to enhance the health of children and prevent ill health, for example through minimum standards for school meals; developing guidelines on suitable infrastructure and resources such as cooking facilities for community use so that parents and children can extend their nutrition and cooking skills; gardening allotments for community and school use to develop both skills and community relationships; involvement of parents and community groups in sports and exercise in schools; and regulation of the food industry's purveying in school premises of foods containing unhealthy levels of fat and sugar. The development of extended schools as healthy and health-promoting environments could be greatly assisted if there were a requirement to co-operate with local authorities on both schools themselves and on local health professionals, such as GPs.

ENGAGING CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES

We also think that it is imperative that the views of children, young people and their families are fully built into partnership arrangements, particularly in determining and monitoring service provision. *While this is a central requirement of the legislation, in practice there is a need for further work to find and disseminate appropriate mechanisms for achieving this: an issue for the Committee to keep under review.*

LOOKED-AFTER CHILDREN

3.4 The proposal to amend the Children Act 1989 so that the duty to safeguard and promote the welfare of looked-after children includes a duty to promote their educational achievement is a positive development. Without a parallel duty on schools there can be little confidence that it will bring about significant change in provision for this most vulnerable group.

Similarly, while we welcomed the recent government requirement for each looked-after child to have a healthcare plan and regular medical check-ups, we do not believe that GPs in particular, and health professionals and NHS bodies in general are sufficiently incentivised to develop and share plans for looked-after children's health beyond the bare minimum. In particular, we would have liked to see a specific duty on relevant individuals and bodies to co-operate in supporting the emotional well-being and mental health of looked-after children.

We would therefore recommend that the Committee considers whether the mechanisms for engaging schools and the health service in the well-being of looked-after children are adequate.

INTEGRATING SERVICES—ORGANISATIONAL ISSUES

3.5 While strongly welcoming the flexibility provided in the creation of the Director of Children's Services post, the emphasis in the *Next Steps* document clearly suggests some form of merger of education and social services departments; we are concerned that authorities will be encouraged to focus on structures rather than improving outcomes. This is an issue raised in our recent pamphlet, *Children's Services—some key organisational issues* (enclosed). *It would be valuable if the committee were to give some consideration to this and emphasise the value of a bottom-up approach of practical and pragmatic measures to achieve the outcomes desired.*

THE ROLE OF THE CHILDREN'S COMMISSIONER

3.6 We see the role of Children's Commissioner as a valuable way of improving children's rights. We are therefore disappointed that during the passage of the Children Bill through the Commons, the Government succeeded in introducing a number of amendments that have the effect of modifying the role of the Commissioner, which had been given a positive children's rights dimension after debate in the Lords. As a result, the function, terms of reference and capacity of the Commissioner have been downgraded from promoting a rights agenda, to promoting awareness of the interests of children and young people. *The powers, functions and role of the Commissioner are therefore an issue which the Committee could usefully consider and in particular how adequately the Commissioner will be able to promote the five outcomes.*

TENSIONS IN GOVERNMENT POLICY

3.7 There are numerous tensions within the Government's own policy priorities, not least between the well-established "standards" agenda, the more recently published *Five Year Strategy for Children and Learners* and the emphasis on inclusion and vulnerable children in *Every Child Matters*.

The emphasis in the *Five Year Strategy* is strongly on the autonomy of schools—including encouragement to adopt foundation status and acquire foundation bodies with the power to appoint a majority of governors—with an implied diminution in the role of local authorities; in *Every Child Matters*, it is on an area-wide organisation of a range of services through partnership arrangements, the success of which will depend on the role of the local authority and the successful engagement of schools.

3.8 Engaging schools with the children's services agenda is central to achieving its objectives. Whenever Ministers refer to the Children Bill they refer to extended schools as the way forward. Schools are seen as being at the centre of the community, delivering a wider range of services than currently in an integrated way. Yet with schools under pressure to deliver on targets associated with raising standards many headteachers argue that it is difficult to give the same priority to inclusion issues, let alone to embrace a closer relationship with a wider range of services envisaged by *Every Child Matters*. *A rethink of the current emphasis on a rather narrow range of attainment, as currently measured and published, would be welcome.*

3.9 Now the *Five Year Strategy* with its emphasis on independence for schools and greater financial autonomy for headteachers seems to render buy-in to the extended schools concept almost voluntary. In the light of this, the current refusal by the Government to include schools in the list of bodies under a duty to co-operate in the partnership arrangements to improve the well-being of children in the Children Bill seems increasingly unfortunate—not least for the message it transmits. *It will be essential that this is redressed in the guidance which will be issued, which should make the Government's expectations unequivocally clear.*

November 2004

Memorandum submitted by the YMCA

INTRODUCTION

1. YMCA England welcomes this opportunity to contribute to the Education and Skills Committee Inquiry into *Every Child Matters*.

2. The Government's attempt to develop improved services for children, young people and families is to be welcomed. It is essential that a joined up approach to these services not only ensures that children are protected from neglect but also leads to them making a positive contribution and leading fulfilled lives. YMCA England remains concerned that the involvement of the voluntary sector was not sought at the earliest opportunity and that the emphasis is being placed on services aimed at children, rather than services for young people.

3. Research conducted on levels of engagement of YMCAs in pilot Children's Trusts areas highlighted the discrepancies that can occur between local authorities. Of the 22 YMCAs in the 35 pilot areas, only one YMCA had been involved in the planning of the Trusts, and only 30% had even been made aware that there was a pathfinder scheme in their area despite their prominent role in the provision of services for children and young people.

4. YMCA England believe a firmer base for such a comprehensive reform of our services to young people would be the UN Declaration on Children's Rights, many of which have a stronger application to young people rather than children.

THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION WITHIN INTEGRATED SERVICES

5. With a range of facilities tailored to the local community and already working in partnership with local authorities and other agencies, local YMCAs are ideally placed to deliver integrated early education and full day care, health services and family and parenting support, supporting groups who are at risk as well as delivering mainstream childcare and educational services.

6. Overall YMCA England welcomes the move towards greater integration between services. It is important however that for there to be joined-up service provision there must also be joined up thinking within the government. However it concerns YMCA that some groups of young people are given marginal recognition in the proposed framework of integrated service provision. Two specific groups must be highlighted: asylum seekers and children in conflict with the law. YMCA England is pleased to note the addition of Youth Offending Teams to the list of “relevant partners” in the Children Bill as the best way to secure their involvement in local cooperation arrangements—indeed Youth Offending Teams themselves are an example of practical cooperation between partners.

7. YMCA England recommend that guidance explaining the expected practical manifestations of cooperation between core partners and wider relevant bodies clearly includes, where appropriate, the voluntary sector as well as users of services.

8. The most significant difficulties would appear to relate to how Children’s Trusts will work with agencies outside the basic structure. Children’s Trusts must recognise the differences in the range of services that are provided to children and to young people. YMCA England are disappointed that housing and equality of opportunity are not included in the definition of a child’s well-being. Consideration should be given to the integration of housing services, employment services and the social security services as these agencies also relate to young people and the five key outcomes sought by *Every Child Matters*.

HEALTH

9. YMCA England has welcomed the National Service Framework for Children. The delivery of the programme outlined in the National Service Framework (NSF) will be critical to the delivery of the intended outcomes set out in *Every Child Matters*⁵.

10. Many YMCAs work to improve the level of public health for young people, often young people outside of mainstream education and from the most deprived backgrounds. Partnership working must mean just that and we would encourage government to look at ways of encouraging Primary Care Trusts to involve the voluntary sector wherever possible. In many local areas voluntary sector organisations play a vital role in delivering holistic programmes and we would urge the committee to recommend the Government firstly make such preventative activity a priority and secondly commit resources to ensuring these programmes are sustainable.

11. YMCA England is encouraged by moves to improve access for those of secondary school age. A target for 75% of young people to have a minimum of two hour’s worth of school sport each week is a rather conservative target, but is at least a move in the right direction. However for those outside of mainstream education, often the most disadvantaged, there is a real need for improved access to physical activity outside the education system.

SOCIAL SERVICES

12. We know that when family relationships break down, the effects on children and young people can be devastating and long lasting. Family mediation is an important part of our work, helping parents and young people address issues of conflict and understanding between family members. YMCA projects also aim to encourage positive relationships between parents and their children through finding common ground, and projects provide support, education, advice and training to help parents play a more active role in the parenting of their child.

EDUCATION

13. Mainstream education is clearly very important to all children and young people and any attempts to improve this are clearly to be welcomed. In addition, YMCA England recognises the importance of regular school attendance and notes with concern that for the first time the numbers permanently outside of this system has overtaken the 100,000 mark⁶.

14. The concept of extended schools should not be “overstretched”. Some young people are excluded from schools and it is unlikely that they will want to return to, or be welcome at, school premises “after hours”. Furthermore many young people, while not excluded from school, nevertheless have considerable anxieties around school. A wider point is that no adult is expected to stay more than eight hours in one environment and to ask young people to return to or stay at schools when they have already spent a full day on the same premises is asking a lot more than we ask of adults. We therefore believe that the “extended part of schools” must be staffed and run in a very different way to that of the formal curriculum timetabled day. We also believe that there must be complementary provision for those for whom the attractions of “going back to school” will not be obviously apparent.

⁵ Department for Education and Skills. *Every Child Matters*. The Stationery Office. 2003. www.dfes.gov.uk/everychildmatters/

⁶ NACRO Report. *Missing Out*. 2003. www.nacro.org.uk/publications/crime.htm#missing

THE PRACTICAL IMPLICATIONS OF THE “DUTY TO COLLABORATE” INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

15. YMCA England recognises that many children and young people will come into contact with a number of different agencies and there needs to be effective communication between these agencies. Voluntary sector agencies already work with children and young people across these areas. Voluntary sector agencies are able to be flexible and innovative and can engage people where statutory agencies have been unsuccessful. Voluntary and community organisations can offer alternatives to formal systems where many young people may have experienced difficulties.

16. The need for improved communication between children’s services is clear and the role that a Children’s Trusts approach can play in delivering this is to be welcomed. YMCA England welcomes the piloting of Children’s Trusts through pathfinder schemes from December 2003 for three years. However, YMCA England is concerned by comments from the government that suggest they will not wait for the full evaluations of the pathfinder schemes before moving to national implementation.

17. YMCA England is very concerned that the Voluntary Sector be involved in the development of Children’s Trusts from the earliest opportunity. Only one YMCA in the pathfinder areas was involved in shaping the structure of the trusts. Every Child Matters is the start of a great opportunity to overhaul the way services are delivered to all in the 0–19 age range. However, the current emphasis is placed too firmly on children as opposed to young people.

18. It is essential that Children’s Trusts are not seen as the answer in themselves. Reform must be accompanied by the provision of appropriate resources if services to children and young people are to be improved. YMCA England is concerned that at a time when £150 million is being cut from the Children’s Fund, it may cost up to £91 million to set up Children’s Trusts around the country.

19. YMCA England would support the notion of a Children’s Trusts approach that may be flexibly delivered in order to ensure that each individual agency is made accountable but not restricted by a rigid structure. Our experience is that local circumstances vary hugely and a prescriptive role could be ill-suited to some areas, where, for example the voluntary sector has a strong presence than elsewhere.

STAFF AND MANAGEMENT NEEDS: TEAM-BUILDING, LEADERSHIP AND TRAINING

20. YMCA workers in England work with around 10,000 children every week in after school and breakfast clubs, play-schemes, toddler groups, junior clubs, crèches and nursery. At least a further 10,000 children take part in YMCA holiday activities and many more use YMCA community sport and fitness facilities.

21. There is a sector wide shortage of appropriately trained social and youth workers, and a shortage of new workers entering the sector. YMCA projects find funding for salaries is often very difficult to secure, whilst funding for training of an existing worker is far easier to obtain. YMCA England is concerned that whilst any measures to increase the pool of youth workers would be welcome that the quality of those providing informal education and youth work must not be compromised. The recruitment of childcare and play professionals is similarly difficult.

22. For areas such as parenting work YMCAs have traditionally employed workers who have a youth and social work background because parenting is a relatively new discipline which lacked specific training. With the shortage of youth and social work professionals, parenting projects often struggle to attract workers. Wage and career path structures fall behind those with government initiatives, which causes many good workers to leave the voluntary sector in favour of a Sure Start scheme or Connexions project.

23. “The salary needs to reflect the responsibilities which childcare workers have”, said a Community Education Officer from a YMCA in Leicester. There seems to be a general and well-founded belief amongst those working with children that the amount of responsibility that they carry is disproportionate to the remuneration they receive.

24. YMCA is pleased to see in Every Child Matters a commitment from the government to ensuring that working with children and young people is an attractive career. YMCA England believes that there is not real reason why working with children should not be seen as an attractive career, highly valued by the general public. Social work remains a profession lacking in public recognition and value, however YMCA England believe it is also important to address the distinct issues facing other professionals such as youth workers and children’s workers.

INSPECTION

25. There is a clear need for Children’s Trusts to be accountable and inspected and YMCA England encourages the government to intervene, where necessary, to ensure this. Children’s Trusts must be accountable locally and be able to react to local need. Any inspection framework and centralised targets must reflect this. YMCA England welcomes the announcement that NHS trusts will be judged against the recent national service framework for children and young people’s services in their star ratings, and councils will be directly judged against delivery in their comprehensive performance assessments.

LISTENING TO CHILDREN AND THE ROLE OF THE CHILDREN'S COMMISSIONER

26. YMCA England is encouraged by government recognition that children, young people and their families must be involved in developing a picture of need for their local area. They must also have a say in how the services which they will use operate so that they feel part of the system. Their involvement must be meaningful and statutory agencies should look at creative and effective ways of involving local people. In engaging young people, it is essential that particular attention is paid to reaching out to young people on the margins—it is not sufficient to only consult with young people who are in education, or those who are already politically active.

27. YMCA England is disappointed that greater attention has not been directed toward listening to children, particularly within the Children Bill. Young people make real contributions both inside and outside of formal volunteering activities. Every day young people are engaged through YMCA projects in their community both through schemes such as Millennium Volunteers and other opportunities. YMCAs encourage young people to engage positively through various participation programmes at local level.

WORKING WITH PARENTS

28. YMCA England welcome the focus by the Government in Every Child Matters on parents and families. YMCA is particularly well placed to provide information on the support of fathers as well as mothers. The experience of working with young people shows that development is significantly influenced by the context of family life, which is diverse and changing. The YMCA recognises that families face many challenges and have changing support needs. It has responded by developing specific programmes for children, young people and their families. The YMCA takes a proactive approach, seeking to understand the causes of disharmony in families so issues can begin to be addressed before problems arise. YMCA projects aim to encourage positive relationships between parents and their children through finding common ground, and projects provide support, education, advice and training to help parents play a more active role in the parenting of their child.

THE CREATION, MANAGEMENT AND SHARING RECORDS, INCLUDING MORE FOCUSED INQUIRIES INTO PARTICULAR ASPECTS OF THE REFORMS

29. YMCA England believes that an effective system for protecting children from harm is vital in order to prevent tragedies such as the death of Victoria Climbié. The YMCA would broadly support the paper's identification of the challenges of making sure that no child is overlooked. The YMCA believe that it is vital that the voluntary sector is fully included in the "information hub". Organisations such as a local YMCA need robust information from the local authorities on how they can share information.

CONCLUSION

30. YMCAs are already playing an important role within their local communities providing support and opportunities for children, young people and their families. However more can be done by both voluntary and statutory agencies to develop the potential that exists. Statutory agencies need to give greater recognition to the value of the voluntary sector's contribution and demonstrate a willingness to share in decision-making as well as service delivery.

BACKGROUND INFORMATION: YMCA ENGLAND

There are 150 local YMCAs throughout England working in over 240 communities, in over 600 locations. These YMCAs are represented nationally by YMCA England.

YMCAs are one of the largest providers of crèches, school clubs, breakfast-clubs and homework clubs in the UK. Over half of YMCAs work in partnership with local schools providing services that complement formal education. One in five YMCAs operate nurseries and have parent toddler programmes. YMCA is an experienced provider of parenting education and support projects.

57 YMCAs have Connexions partnerships, 14 YMCAs run parenting education courses, 32 YMCAs are part of the Early Years Childcare Development Partnership, 48 YMCAs engage in partnership programmes with their local schools and 43 YMCAs are registered with social services.

The YMCA is the largest provider of safe, secure and affordable supported accommodation for young people in England. YMCAs offer over 7,300 bed-spaces, ranging from hostel rooms to self-contained flats. The YMCA is also the UK's single largest provider of Foyer, providing integrated housing and training support for young people under one roof. 23 YMCAs provide accommodation for asylum seekers.

The YMCA is the largest single voluntary sector organisation providing sport, health, exercise and fitness programmes across England. Over half a million people attend YMCA exercise classes each year, including a range of specialist programmes. 26,000 children are estimated to participate in YMCA junior sports and fitness activities every week. Over 20,000 young people are reached by YMCA youth work each week, over 1 million young people each year.

23 YMCAs also run crime and diversion programmes, 38 YMCAs work with their local Youth Offending Team, 13 YMCAs work in Young Offenders Institutes and 33 YMCAs have involvement with the Safer Communities initiative.

November 2004

Memorandum submitted by the Royal College of General Practitioners

1. The Royal College of General Practitioners welcomes the opportunity to submit written evidence to inform the Education and Skills Committee's Inquiry into Every Child Matters.

2. The Royal College of General Practitioners is the largest membership organisation in the United Kingdom solely for GPs. It aims to encourage and maintain the highest standards of general medical practice and to act as the "voice" of GPs on issues concerned with education; training; research; and clinical standards. Founded in 1952, the RCGP has over 21,500 members who are committed to improving patient care, developing their own skills and promoting general practice as a discipline.

THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

3. As an educational body, the College has already recognised the increasing importance of child and adolescent health by enhancing this area of study in our new curriculum review. We are currently undertaking extensive consultation on a new College Postgraduate Curriculum Statement regarding the care of children and young people.

4. In the past it has been possible for doctors to enter General Practice without any paediatric training in a hospital or primary care setting, relying just on the GP registrar year.

5. We support the need for inter-professional education so as to improve communication between the Primary Health Care team and Social Services. This could occur in both primary and secondary care settings. The College also believes that it is important for all GPs to have a high degree of knowledge and skills regarding child health which could be obtained by placements in both secondary and primary care settings.

THE PRACTICAL IMPLICATIONS OF THE "DUTY TO COLLABORATE", INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

6. The College notes that the establishment of Local Safeguarding Children Boards (LSCBs) is an admirable objective but the fact that this is based on a voluntary and goodwill association supported by a duty to collaborate rather than a statutory auditable and criterion based system seems to us risking the effectiveness of the Boards in the longer term. This is particularly relevant as the LSCBs are intended to be proactive rather than reactive and will therefore be involved in primary, secondary and tertiary prevention. This implies an additional level of service provision than is currently the case and a level of liaison and co-operation which does not form part of the day to day responsibilities of the organisations which will be tasked with establishing LSCBs locally.

7. Following on from this consideration of LSCBs, it would be appropriate to consider whether the Performance Management framework for them should be made explicit, and that the strategic commitment must include genuine senior representation. Linked to this must be a requirement to adhere to guidance on policy and procedures, and steps should be taken to address business planning including ownership by the different agencies involved in the establishment of LSCBs.

8. We see some very exciting developments around "Every Child Matters", including the concept of "full service schools" and we see this as being predicated on an alliance between health social services and education which will not be forthcoming without greater central direction, and certainly far more direction than can possibly be offered by the Children's Trust Board (see below) to whom the LSCBs will report.

9. We have a concern about the proposed Children's Trust Boards. These devices offer an opportunity to improve the overall health of children within the wider community but this is predicated on an assumption that a "duty to collaborate" will be converted into demonstrable action by the current service providers in health, social services and education. In the absence of a sufficiently directive line on funding and the availability of staff there is a genuine risk that these developments will founder sooner rather than later.

10. Linked to this will be the need for groups who do not traditionally work together to act co-operatively and collaboratively and we suggest that this is dependent upon an appropriate and supportive educational environment in which individual professionals' contributions to the wellbeing of children is given due consideration.

11. We are clear that the role of the Children's Commissioner is very important but this role can only move towards effective delivery if there is a more concrete sign up to the "duty to collaborate" than now seems to be the case.

INSPECTION

12. In considering quality assurance, any such system needs a demonstrable resource basis if it is to be worthwhile. There needs to be penalties associated with failure as, in this way, health, social services and education can be reasonably expected to prioritise many of the currently unfunded issues unless mechanisms are introduced, including inspection, which makes it clear that resources will be under threat unless demonstrable progress and appropriate quality standards are being applied at a local level.

THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

13. From what we have seen from current legislation before Parliament, there is no specific reference to medical records in a way that would allow General Practitioners and other medical practitioners to share their records within acceptable standards of medical confidentiality. This would impact on the effectiveness of any of the collaborative exercises currently being considered, such as Local Safeguarding Children Boards and Children's Trusts.

14. We would draw the Committee's attention to a report (copy attached) from a College workshop held on 27 January 2004: "Grasping the Nettle: The GP, The Child and Information Sharing". The workshop was set up at the request of the Department of Health, in response to recommendation 86 of the Climbié Inquiry, to explore the feasibility of extending the process of new child patient registrations to include gathering information on wider social and developmental issues likely to affect the welfare of the child. The report's conclusions included the fragility of the role of the GP in regard to eliciting information from children; the crucial part played by the statutory and professional regulatory framework in influencing the view of GPs on what information can and cannot be shared; and the difficulties and dilemmas faced by GPs in gathering and sharing information.

15. Also relevant to information gathering and sharing are issues considered around draft guidance in connection with Clause 12 (previously 8) (information databases) of the Children Bill (HL) which we have recently (September 2004) discussed with the Department for Education and Skills.

16. In this discussion we were supportive of the statement in the draft guidance that protecting children from harm and improving their lives generally, are integral. However, we acknowledged that introducing measures designed to do the former, if not handled sensibly and sensitively, can actually impact negatively on the latter. This fact must be borne in mind when formulating guidance, particularly when dealing with information sharing and the development of protocols to govern such processes.

17. An essential concept, that we would expect to see in any requirements or guidance for the gathering and sharing of information about children, is the need for organisations and individuals working within them to respect each other's professional regulatory frameworks.

18. Another crucial issue for those sharing information is that relevant organisations must incorporate a robust policy for information sharing within, and out with, the organisation. Such a policy should cover the concept of proportionality (as enshrined in *Working Together to Safeguard Children 1999*);

- Who needs to know?
- What level of information is to be shared?

It must also take into account the secondary passage of information, ie to a third party or organisation via an intermediary.

19. In considering information sharing across agencies involved in the care and support of children and their families, health care workers retain a fear that they may be statutorily compelled to routinely divulge confidential information regardless of the concept of proportionality. This, as discussed in *Grasping the Nettle*, could gravely endanger the relationship between the professional and the child and the family.

9 November 2004

Memorandum submitted by the Association of Teachers and Lecturers

SUMMARY

We argue that *Every Child Matters* represents a huge opportunity for progress but that success is not yet guaranteed. The education aspect of local government's role is being diminished at the very time that the civil service workforce is also being reduced. The likelihood is that this could lead to unacceptable levels of local variation. More needs to be done to coordinate planning: it would be foolish to neglect the expertise unions can offer. For ATL, this is particularly crucial in relation to upskilling the education workforce. We do not feel confident that the outcomes-based model of accountability will produce the richness of information required to ensure that the rate of progress is maintained and innovation disseminated. The model of learning is an impoverished one. At a technical level, we have yet to see evidence that the inherent complexities of data use have been addressed.

INTRODUCTION

1. ATL agrees that a strategy for all children is the best way to protect children at risk, and that the integration of existing services is the right direction for reform.

2. The integration of policy objectives and funding streams, and the effective management of both, present challenges of a scale and nature that will be overcome only by the fullest efforts in teamwork by all parties. In particular, Government must work in social partnership with the relevant trade unions and professional associations. The model for new working arrangements that should be developed is given by the implementation of the 2003 National Agreement⁷ with school workforce unions. ATL is concerned that, in view of the magnitude of the tasks ahead, no suitable forum has yet been convened. While it is helpful that WAMG has embarked on aspects of the *Every Child Matters* agenda, much still remains to be done and the timetable is an exacting one.

3. The Government must accept that the state-funded education service is even now under-resourced to achieve its educational objectives. This presents one of the greatest practical obstacles to reform. Budget resources at school level remain particularly fragile. The 2003 funding crisis in schools was triggered perversely by reforms to funding methodology which were intended to be benign. ATL asks the Government to establish working arrangements with partner organisations which allow fully detailed technical work on all matters of funding connected with the *Every Child Matters* reforms.

4. We believe that all authorities and other relevant local agencies have a duty to promote the well-being of children. Every child is our future and they have to be treated well in our education system. Only then will they be able to function as active and effective citizens.

Our key concerns

5. ATL is very much in sympathy with the aspirations of *Every Child Matters*. However, we also draw attention to some major concerns. These include:

- our sense of the contradiction between reducing the education role of Local Authorities and the need for the development of genuine partnership;
- our worry that the imposition of one size fits all legislatively-driven structures will militate against future innovation;
- our fear that reforms will be driven by governmental impatience to the detriment of quality;
- our concern that insufficient attention has been paid to crucial legal implications.

6. In relation to the last point, we are particularly concerned about the development of City Academies and the possible conflict between their legal independence and the need for local collaboration.

THE PLACE OF HEALTH, SOCIAL SERVICES AND EDUCATION RESPECTIVELY WITHIN INTEGRATED SERVICES

7. This vision of inter-agency working is extremely ambitious. However, ambition in itself will not achieve the ends to which the government is committed. It is important, in any vision of future possibilities, to start from present realities (upon which all future systems will either prosper or founder). To this end, a key question must be asked: what is the incidence of successful governmental inter-agency working at present and what are the challenges which will need to be overcome if the aims of *Every Child Matters* are to be realised?

8. If one considers the present structures for education provision in England, it is not possible to conclude that there is a strong tradition of inter-agency working at governmental level. A plethora of separate quangos deal with regulating and controlling the system: TTA, QCA, DfES, Ofsted, GTC.

9. This is by no means a comprehensive list yet it illustrates a key point. The DfES manages its complex responsibilities largely through a process of delegation to separate government agencies and quangos. Although the DfES aims to act as a controlling and coordinating body for separate agencies charged with particular responsibilities for education provision, it is evident that, on a repeated basis, there is a failure to routinely share information amongst different departments, agencies and quangos. Thus, too often, the recipients of education policy decisions (teachers, students and parents) are required to implement and experience policy decisions which appear to be inconsistent and incoherent.

10. The question must therefore be raised. If the government is unable to coordinate information systems within the field of education, how are information systems amongst a much wider range of fields (education, social care and health, for example) to be achieved? The DfES will have to act much more effectively as a body which coordinates and controls policy initiatives emanating from quangos in order to promote coherence and the dissemination of comprehensive information. A coordinated approach will need to be generated “at the top”—at governmental level—if there is any hope of a more coordinated approach to be achieved “on the ground”. This is a key issue—the government cannot preach one approach and practise another. The only DfES body at present charged with overseeing policy initiatives emanating from

⁷ Raising standards and tackling workload: a national agreement.

government agencies is the Implementation Review Unit, set up as a consequence of the National Agreement. However, this unit is at present in its infancy. It has no track record and it remains to be seen if it will be effective in assessing all education policy initiatives for their effects on teacher workload. We have a serious concern lest the cost-cutting staff reduction exercise in the civil service will have the unintended side effect of increasing instability, eg within the DfES, and reducing proper in-depth accountability.

THE PRACTICAL IMPLICATIONS OF THE "DUTY TO COLLABORATE", INCLUDING THE EFFECT ON FUNDING STREAMS AND LOCATION OF STAFF AND FACILITIES

11. Although ATL believes that Partnership working will be vital if we are to meet the needs of all children and young people, the Government seems to be rushing headlong into a "partnerships-for-everything" approach as though partnerships are a panacea for all ills. We believe that integration is a radical aim and more likely than just co-location of services to lead to a system where "every child matters". Integration would lead to serious consideration of the roles of different practitioners, their training and ways of working, as part of proper Partnership working. It cannot happen at the stroke of a policy-maker's pen.

12. ATL believes it is important that the Government considers those Partnerships that already exist within the education sector, and uses evaluations of their strengths and weaknesses to develop the way forward.

13. It is vital that education does not become a lesser partner in a relationship with the care sector. It is equally important that education does not become limited to the "delivery" of the curriculum, with pastoral care and behaviour management (and other vital aspects of children's and young people's learning) seen to be the function of a different team of adults. Recent proposals to diminish the policy-making role of local government and increase devolution to individual schools also run the risk of making collaboration problematic.

14. The Association is concerned that Partnership working is made much more difficult in a culture of competition and individual accountability. Where schools are held accountable through institutional performance tables, there is very little impetus for working jointly with other schools. Such joint working is not recognised in the measures currently available. We believe it must be if the needs of the disadvantaged are to be more effectively met.

15. Developing and working in Partnerships takes a great deal of time. ATL insists that schools are given sufficient funding to ensure that staff can meet and work in contracted time, ie that the implications of *Every Child Matters* do not mean additional workload for our members. Partnership working must not be an additional task, unwillingly undertaken. It is also vital that there is sufficient administrative and facilitative support for Partnerships.

16. At the same time we do acknowledge that some problems are too complex for any one organisation to solve alone. Partnerships have to allow for a multi-disciplinary approach to help break down the barriers to the achievement of these disadvantaged children and young people.

17. Central to the partnership must be the young people themselves. It is easy to get involved with agencies and make decisions on what to do about the young people rather than what we can do *with* them. We support developments that increase young people's involvement in local decision-making. School Councils, Youth Parliament and citizenship offer opportunities to young people to voice their concerns only if discussion leads to action.

STAFF AND MANAGEMENT NEEDS; TEAM-BUILDING, LEADERSHIP AND TRAINING

18. We would support the idea of joint training on development and behaviour issues. At the same time we draw urgent attention to a major deficit for which previous governments must be held responsible. It is on the area of Initial Teacher Training.

19. These challenges arise, in the main, from government policy for initial teacher training (ITT) and continuous professional development (CPD) over the past 20 years. During this period there has been a revolution in the curriculum which is taught to students on ITT courses. Circulars 9/92, 4/98 and, most recently, 02/02 make no provision for training in child development or child psychology. Moreover, whilst the most recent circular 02/02 requires beginning teachers to be able to work with other adults within the classroom context, there is no requirement that beginning teachers have training in, or experience of, working closely in inter-agency teams. Surveys also demonstrate that, because of the subject emphasis in secondary ITT, and the emphasis on training in the core subjects in primary ITT (even to the extent that training for the whole curriculum in primary is not required to achieve QTS), there is little opportunity, and no requirement, for trainee teachers to receive training in child protection. The situation for qualified teachers is little better. The criteria for the award of TTA funds for CPD have, during the past two bidding rounds, focused almost entirely upon subject provision.

20. As a consequence, although we now have “the best ever generation of teachers”, the training opportunities open to the profession in the areas of child development and child protection have been almost non-existent. Sadly, this means that the pool of teacher expertise on which to draw for help on in-school programmes for parents and carers will be unduly limited. The costs of repairing this 20-year omission do not yet appear to have been given any consideration.

21. One of the curiosities of present arrangements is that, while we have a set of core competencies for the children’s workforce currently under development, there is less clarity about how a competency-based system articulates with Initial Teacher Training, Continuing Professional Development and performance management.

22. In relation to the crucial role of the lead professional within an inter-agency team, one must conclude that it would be negligent (and immoral) of government to charge a body of professionals (in this case teachers) with the huge responsibility for child protection when the profession has had little or no opportunity, during the past 20 years, to gain access to training in this area. If the government’s vision is to be achieved, a very significant financial investment in training and professional development in the areas of child development and child protection will have to be made. The Association cannot support any proposals which increase the professional risks to its members, without firm guarantees covering costs of professional development in these key areas. At the same time the government will have to satisfy itself that the other professions will be given a similar guarantee.

23. As far as teachers are concerned, there is a further point. While it is absolutely correct to see the teacher as the first point of contact, the consequence of the Workload Agreement is to sharpen the focus of what teachers should do to emphasise the classroom and teaching. A similar emphasis can be seen in requirements for passing through the Threshold. The lead professional role is different in nature. We can envisage teachers accessing the necessary support *from* a lead professional rather than as a general rule undertaking that role.

24. There is a need for extended piloting in order to ascertain whether it is possible for any lead professional to be able to have full budgetary control over resource provision. Incidentally, our members’ experience of contact with Connexions suggests an unevenness of provision and indeed capability to take on this key role, particularly in relation to FE colleges which exist independently of LEA control. There is also an uncertainty around the city academies.

INSPECTION

25. We support the concept of joint inspections, believing that there is the potential for duplication of effort to be avoided and for less of the current tendency for agencies to pass on hard cases instead of dealing with them. But we do not underestimate the difficulties. Some of these relate to the rapidity of change. Thus it is clear that the frameworks for schools and for Connexions services will need substantial revision, particularly in the case of the former. Unfortunately both are already the subject of new arrangements from September 2005.

26. We also have concerns about teams showing the necessary level of expertise. The current practice of using contracted-out casual labour for school inspections has made it difficult for Ofsted to ensure consistency of expertise and of judgement.

27. As far as ATL is concerned, the implication of *Every Child Matters* is particularly far-reaching in terms of accountability at every level. This has the implication for government that all future guidance must have been the subject of extensive practitioner consultation so that lines of accountability are completely clear. In terms of inspection arrangements, the implication is that visits to individual schools are reduced and replaced by the sort of area-wide approach just beginning to be used for 14–19 inspections.

28. We are all too well aware that at present there are schools where responsibilities for admitting a fair share of difficult pupils are being evaded. While this is often known to relevant professionals, the present mechanisms—particularly in relation to inspection and accountability-led measures of performance—unintentionally do much to encourage this. Only an area-wide approach stands any chance of defeating what are otherwise “perfect crimes”. We are attracted to the idea that inspections would include the equivalent of “audit trails” to assess the quality of provision. Our concern here centres on those whose support needs are at risk of going undetected at present. The use of such random sampling might well do more to strengthen the system than the suggestion of “one flag or two as a trigger” which was made in the original Green Paper.

29. We have welcomed the opportunity of being consulted on the cross-service common inspection framework but we wish to point out the dangers inherent in what is predominantly a desk-based exercise that relies on measurable outcomes. The risk is that this reduces the education function to ensuring that children are prepared for school, for tests and for work rather than ensuring that children matter as children/people. This is an essentially more impoverished model than one based on a more in-depth approach to a representative sample of services. And as far as schools are concerned, we are yet to be convinced that inspection on the Common Inspection Framework will be seen as of any importance. For schools, individual institutional inspections are likely to be seen as of far greater salience.

LISTENING TO CHILDREN; THE ROLE OF THE CHILDREN'S COMMISSIONER

30. We applaud the government's commitment to listening to the voices of children and young people. Indeed, we believe that the "pupil voice" movement has within it the possibility of educational transformation. As Fielding⁸ has pointed out, we could be witnessing something "genuinely new, exciting and emancipatory that builds on rich traditions of democratic renewal and transformation". Conversely, we could be "presiding over the further entrenchment of existing assumptions and intentions using student or pupil voice as an additional mechanism of control".

31. On the basis of evidence to date, we have yet to be wholly convinced that many of the bright hopes associated with the pupil voice movement will, in Jean Rudduck's words, "carve a new order of experience"⁹. Many fundamental questions have yet to be properly addressed. Who is allowed to speak? To whom are they allowed to speak—and about what? Who is listening, why are they listening and how are they listening?

32. If the government is serious in its commitment to listen to the voices of children and young people, it must surely stand four square behind the centrality of speaking and listening throughout the school curriculum and the accompanying public examination system.

33. In his Introduction to *Every Child Matters* (p 3) the Chief Secretary to the Treasury highlights the centrality of putting children first and of raising school standards. We firmly believe that if this rhetoric is to translate into a workable reality in the real world context of schools and schooling, the following need to happen:

- a fundamental review of the government's school "standards" agenda;
- a radical shift away from testing and towards learning;
- an absolute guarantee that government will honour its commitment to listen to the voices of children and young people.

34. First there is the issue of defining standards. This Association has long been concerned about the increasing tendency on the part of central government and its agencies to adopt a dangerously reductionist approach to the concept of school standards.

35. All the evidence suggests that from the government's viewpoint school standards means only one thing: levels and grades in national tests. Thus for children and young people between the ages of seven and 14, standards has come to mean national curriculum levels in three subjects (two subjects at age seven). At 16, standards means GCSE grades from A* to C. We have argued at considerable length why such a narrow definition of standards is not only unhelpful; it actually militates against children and young people learning well in schools. We believe that many of the current problems of low motivation, achievement and participation stem from the unintended consequences of this reductionist approach.

36. ATL believes the government's standards agenda is an educationally impoverished agenda. It does not serve children and young people well. If early years settings and schools are to do justice to the wealth of skills, talents and abilities children and young people bring with them, there will need to be a fundamental re-appraisal of what is meant by "school standards". The standards agenda should be a rich and inclusive agenda—it should allow everyone to shine.

WORKING WITH PARENTS

37. We commend Sure Start as offering a valuable model for development. At the same time we reiterate the importance of using pilots rather than assuming that England-wide introduction of new strategies will somehow guarantee success.

THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

38. In the spirit of recent legislation, due regard must be paid to the right of the individual child or young person to a say in how much is revealed and to whom. From the enclaves of policy making in Whitehall it is all too easy to be unaware of the sensitivity of these issues in primary and secondary schools. Young people have every right to be angry when they feel that information about them is being gratuitously disseminated.

39. There are real difficulties with the exchange of data. Children and young people should have protection equivalent to that provided to adults. The Data Protection Commissioner should be involved at the earliest stage. (This is an incredibly complex area—the Commissioner is still working on the fourth and final part of a Code of Practice on data protection following on from the 1998 Act.) Without robust safeguards in this area, we would be unwilling to recommend that our members should actively support what is being proposed.

⁸ Fielding, M (2001) Beyond the Rhetoric of Student Voice: new departures or new constraints in the transformation of 21st century schooling?, *Forum*, 43, No 2.

⁹ Rudduck, J and Flutter, J (2000) Pupil Participation and Pupil Perspectives: carving a new order of experience, *Cambridge Journal of Education* 30, pp 75–89.

40. Working in Partnership across providers will involve different forms of information sharing and accountability. The use of ICT to facilitate the storage, accessibility and transfer of data will not on its own be enough. We are concerned that the introduction of a unique identifier number will merely add to the array of numbers that children and young people acquire during their school careers—including the identifier for national curriculum test data. We are also concerned that using a child's national health service number, as has been suggested, might mean that information is stored, and is retrievable, long after it is relevant. There are also issues about the range and relevance of information stored.

41. Our disquiet arises from what we suspect is a confusion of purposes. It will be essential that key safeguards should be built into all systems and frameworks from their inception. In particular, these safeguards should protect young people from inappropriate categorisation. Early identification of possible "causes for concern" should not lead to inappropriate labelling of children and young people, nor should such identification lower expectations for their social integration and educational performance. In this respect it will be essential for all who have access to the common data systems to have shared understandings of the purposes to which the data can be put (for example, it should not be used to invade young people's rights to privacy with regard to key services—eg health care, counselling etc).

42. Young children and young people have different needs and expectations; any common data system should be used selectively and must not become a "tracking" system which could be open to abuse by state agencies who have other concerns (eg public order and control) which may sometimes run counter to the individual rights of the young person.

CONCLUSION

43. ATL has been offered opportunities through WAMG and through some DfES teams to contribute to aspects of the planning for *Every Child Matters*. Nevertheless, our sense is that this involvement has depended too much on chance decisions by team leaders. What is needed is a forum where unions can contribute to the big picture as well as to particular tasks.

November 2004

Memorandum submitted by the National Union of Teachers

FULL SUBMISSION

1. This submission from the National Union of Teachers (NUT) focuses on several of the broad issues outlined within the terms of reference for the inquiry into *Every Child Matters* announced by the Education and Skills Committee. The submission focuses on the place of education respectively within integrated services; the practical implications of the duty to collaborate, including the effect of funding streams and location of staff and facilities; staff and management needs including team building, leadership and training; and the creation, management and sharing of records, including electronic databases.

FULL SERVICE/EXTENDED SCHOOLS

2. There is a growing recognition that schools cannot solve the problems associated with social exclusion and multiple disadvantages on their own. The resulting demands that this places on school staff have been widely acknowledged, together with the need for the availability and accessibility of specialist advice. One response to these problems has been the development of multi-agency approaches. The provision of a base within schools for outside expertise has long been one means of co-ordinating multi-agency approaches and, at the same time, creating a solution to the growing demands placed on school staff.

3. The National Union of Teachers has worked jointly with the Department for Education and Skills in commissioning a literature review of extended schools provision¹⁰. A copy of the research report "Towards Extended Schools" is enclosed. The literature review demonstrated that there are many initiatives within the broad spectrum of full service school delivery in the UK context which are characterised by a holistic approach to meeting the needs of young people and their families. There are already a variety of extended/full service schools in the UK which attempt to promote social wellbeing and to meet the needs of local populations as a means of promoting educational achievements.

4. The NUT/DfES research presented accounts of practitioners' experiences of the difficulties and challenges associated with full service or extended school service delivery. From individual reviews carried out as part of the literature review the following issues emerge as the difficulties and challenges associated with extended school delivery: "turf" (ownership of the infrastructure and site); governance; funding; training; controversy and reluctance; differences in aims, cultures and procedures; overload or increased workload; and impossibility (something being considered just too complicated).

¹⁰ Towards Extended Schools: A Literature Review, NFER (A Wilkin, R White, K Kinder).

5. Much of the literature contains insights into attempts to establish full service or extended schools that focus on the practicalities of development and implementation. The literature review reflected the limited amount of large scale and rigorous evaluation of extended schools and demonstrated that there is no one correct model or blueprint of full service or extended school service delivery. The diversity surrounding the concept emerged as its major strength and much of what has been learnt about the creation of partnerships will stand schools in good stead to take on board the *Every Child Matters* agenda.

6. The work which the NUT has carried out surrounding extended schools suggests that the common key components to complex, multi-agency collaboratives include: having clear aims and purpose; strong leadership; administrative excellence; consistent long-term funding from a variety of sources; community and parental involvement; effective publicity and communication; an appropriate designated location; and opportunities for extended curriculum and out of hours learning.

7. In addition, the NUT/DfES research pointed to the necessity for the development of service provision to be grown from the bottom-up. Extended school service provision cannot be imposed. School communities should be able to identify their needs for location of services and then call for financial and organisational support. Staff have to be involved in decision making. Excessive workload must not be a consequence of extended school provision. The NUT is concerned, therefore, about the proposal in the Government's "Five Year Strategy for Children and Learners" that "*we want all schools to become extended schools*". The imposition by Government of such responsibilities on all schools is very different from the school-led involvement which has characterised the development of this initiative to date.

8. Teachers must be motivated and have ownership of any major initiative of this kind, if the desired changes are to be implemented. It would also be essential to ensure that adequate resourcing is available to all schools, at least at the same levels as is available for those involved in previous pilot schemes, if schools are to be able to take on such additional responsibilities.

9. The NUT has welcomed the recognition of the potential for shared and community use of schools through the concept of "extended schools", in particular, the siting of health and social services in schools, which would be particularly beneficial in areas of disadvantage. Such approaches would need to be based upon a presumption of a "joined up" strategic approach at local authority level. It is also essential to ensure that schools participating in the extended schools' initiative are not subsumed into the larger community organisations which would be established and that they retain their own distinct identity.

10. While Children's Trusts are being established, the relationship between Trusts and schools have yet to be explored. Schools cannot simply create new services themselves. Neither can local authorities simply establish new services in schools. The evidence is that for extended schools and full service schools to be successful, it is schools which have to take the lead in initiating and developing services in co-ordination with local authorities. In short, schools themselves must own the development of services. Otherwise, those services will not be effective.

11. Alongside the "Every Child Matters" agenda, the Government has proposed that local authorities develop a "single conversation" with schools. While there are strong arguments for streamlining the quality assurance role of local authorities, the single conversation has yet to factor in the potential for supporting schools in working with each other or defining the services to which schools should be entitled.

EVERY SCHOOL MATTERS

12. Social class still has a powerful influence on the achievements of young people. To their credit the Government has recognised this. There needs, however, to be proper joined up thinking, to use a familiar phrase, on how initiatives in communities to tackle and social and economic deprivation can link up to initiatives which tackle such deprivation in educational achievements.

13. The greatest potential for such joined up thinking lies in the widely welcomed "Every Child Matters" agenda which recognises and sustains the idea that every school is at the centre of its community. It is an approach which is equally important for urban and rural communities.

14. If every child does matter, then it is essential that the Government recognises that this is what schools already seek to carry out in practice every single day. Schools recognise the need to meet all the needs of children as a basis for increasing educational opportunities. Schools already recognise the need to encourage and involve families and communities in meeting their own needs and the needs of their children. Schools have long recognised the centrality of multi-agency working or collaboration in addressing the multiple and interlinked problems of children and their families.

15. Given the centrality of schools to the engagement of each child with the universal services set up to support young people, it is clear that the school is key to the delivery of the new national agenda for children and young people. The NUT believes it is important to recognise that many schools have already embraced this agenda through local initiatives, and others have been doing so for many years. Implementation of the *Every Child Matters* agenda should focus on identifying and reducing the barriers which hamper the attempts of schools to achieve a seamless service for children between school and the other services.

16. Tensions exist between the implementation of a number of existing policies agendas within schools and the Government must focus on the practical barriers, in terms of funding streams, training, overload of workload concerns, competing priorities and pressures, the lack of skilled cross disciplinary professionals and the overloaded curriculum.

17. The NUT is concerned that a gap appears to be developing between the framework for the inspection of schools and the broad requirements on education in the *Every Child Matters* agenda. A New Relationship with Schools suggests that future school inspections will cover: quality of education provided; educational standards; spiritual; moral, social and cultural development.

18. In addition school inspections will also have to cover the five outcomes for children and young people set out in *Every Child Matters*. The NUT is concerned about the balance of priorities which head teachers and governors are likely to infer from the emerging framework. On the one hand the Government is urging local authorities to make arrangements for schools to play a greater role in respect of the requirements of *Every Child Matters*, but with the other hand it is encouraging schools to concentrate their efforts on other aspects of their work.

19. This tension is certainly apparent in the New Relationship with Schools initiative, in particular, the establishment of School Improvement Partners (SIPs) to undertake school improvement support functions which are currently the domain of LEA personnel. The assertion which is used by Government to justify the establishment of SIPs, that existing relationships between schools and LEA link advisers lack “sharpness and professional credibility”, disregards the evidence from Ofsted that school improvement is consistently satisfactory or better in the vast majority of LEAs. Support for school improvement for individual schools must be set in the wider context of local community characteristics and also include developments arising from “*Every Child Matters*”. For this reason, strong links between schools and LEAs, through advisors and other LEA personnel, are vital if schools are to continue to focus on raising standards whilst at the same time address the wider remit of *Every Child Matters*.

20. The NUT’s concerns about the balance of priorities applies equally to the inspection of local education authorities. The operational arrangements for inspection proposed by Ofsted, through Joint Area Reviews, would support the holistic approach to children’s services required by the Children Bill and “*Every Child Matters*”. The proposed set of outcomes inspection should consider appear to be more balanced and liable to give a more accurate picture of local service provision than current performance indicators, which are concerned almost exclusively with educational attainment as defined by performance in National Curriculum tests and GCSE examinations.

21. “Education and training”, however, represents only one out of the five “*Every Child Matters*” outcomes. As a result, the importance of local authorities’ school improvement functions could be lost in the new inspection arrangements. The draft inspection criteria for Joint Area Reviews which were circulated in May this year indicate, for example, that there are several areas of LEA work which may not be directly reviewed, such as support for school leadership and management, governors and teachers’ CPD. The NUT believes that it is vital that information on the quality of local authorities’ support for school improvement is not lost as a result of addressing the *Every Child Matters* agenda.

ROLE OF THE SCHOOL IN THE LOCAL COMMUNITY

22. The NUT agrees that in an increasingly diverse and mobile society, schools are the glue that holds communities together. The NUT believes that it is important to recognise that schools cannot however solve all the problems associated with vulnerable children. It cannot be assumed that by bringing together social care and education services joint working between a range of traditionally distinct professionals will simply fall into place. This requires significant cultural change and training and engagement of cohorts of staff who already work in high pressure and acutely time pressured environments. Professionals are being asked to work in a different way, to work collaboratively and to use different information systems and possibly work in different locations. This can not happen overnight.

23. The provision of a base within schools for outside expertise is one way of coordinating multi-agency approaches and at the same time creating a solution to the growing demands placed on school staff. However, this must not obscure the fact that many of the specialist support services such as educational psychologist services and speech and language therapy services are chronically understaffed and that children referred by schools regularly remain on long waiting lists. Practical barriers such as staff shortages and recruiting and retaining highly skilled and experienced professionals hamper multi-agency approaches.

24. The *Every Child Matters* agenda has raised the question of how schools should be accountable to their communities, and how they can be part of a whole system which meets children’s diverse needs. The local authority, which is responsible for children services, will play a crucial role in serving the communities children. The NUT does not believe that schools should be among the list of bodies in the Children Bill under a duty to cooperate over children services. Schools and teachers have far too many statutory duties already and the NUT does not agree that there is any need to add a further duty. It is a proposal to create a vaguely drawn and largely unenforceable statutory duty, writing on to the statutory book something that every good teacher has always done.

25. The Government should consider what measures it should be taking to ensure that independent schools are fully involved in the provision of integrated children services, and to ensure that Academies are fully involved in the provision of integrated children services.

SCHOOL AUTONOMY AND DIVERSITY OF TYPE OF SCHOOL

26. One of the elements of the current Government's approach to offering choice to parents has been to advocate more autonomy for individual schools and greater diversity among schools. Although schools, particularly secondary schools, value the greater autonomy that is seen to accompany success in academic results, and the freedom to develop their own unique ethos, one universal aspect of every school should be its role in the delivery of integrated children services. It is essential to the success of the new agenda that schools work as public services, and work together with families and local communities to ensure that the whole system meets the needs of all children. This is also the only way in which the Government's twin aims of social inclusion and community cohesion can be achieved.

27. The Government needs to ensure that Academy schools, faith schools, specialist schools and schools which control their admissions set out their plans on how they will meet the needs of all pupils in their local area with regard to children's services.

28. Though local authorities can lead change, they can only drive it with the active engagement of communities, schools, colleges and the full range of other service providers. For councils to be able to lead learning locally, it is important that they are able to challenge all schools about their services and hold them to account for what they deliver.

29. Schools' forums for advising local authorities on funding schools are a growing success. The NUT recommends that local authorities should establish local education advisory forums, which would advise local authorities on the development of the "Every Child Matters" agenda, including on the development of extended and full service schools. Education advisory forums would be responsible also for providing advice on the development of a single conversation with schools and its relationship with the quality assurance of other local authority services.

30. If local authorities are to co-ordinate with and provide effective support to schools, then education forums should have the status to be effective. Their membership should include representatives of parent, teacher and governor organisations and could be chaired by lead members of children's services. It is essential, in this context that local authorities retain second-tier officers for education and social services in order that schools can be confident that when initiatives are introduced and agreed, they can be implemented successfully.

31. Initiatives for the development of extended and full service schools should come from schools themselves. Audits should be conducted of additional services needed at school-level by schools in conjunction with local authorities. With financial and logistical support from local authorities, schools would make proposals for developments. With funding support from Government, local authorities would be required to cost developments and guarantee funding, including capital funding.

ADMISSIONS AND LOCAL SCHOOLS

32. One of the major elements of the Government's approach is an increasing emphasis on parental choice of school. In addition, several categories of school such as specialist schools, academy schools and faith schools select some or all of their pupils. The Government has been less than successful in its policy to limit selection and to promote parental preference. Parents do not necessarily want a wide choice of schools they want a choice of "good" schools. The House of Commons Select Education and Skills report on "School Admissions" (July 2004) emphasised the importance of the availability of good local schools over "choice" of schools.

"The existence of an excellent but distant or oversubscribed specialist school is no comfort to parents who deem the only school available to them to be good enough. Current policy aims to reward those schools that are academically successful and in so doing penalises those that are not."

33. The NUT has made its opposition clear to selection by aptitude as well as ability. The effort of partial selection procedures should be considered carefully so that the needs of all children in a locality are taken into account.

34. Successfully engaging schools with the children's services agenda is central to achieving its objectives, particularly given the degree of autonomy they now enjoy. There is a specific issue to be addressed in the inherent contradiction between aspects of the well-established "standards agenda" and the more recent emphasis on inclusion and community cohesion and now the focus on children's services.

35. Many head teachers argue that the pressure to delivery on targets, and to look out for their school's position in performance tables, makes it difficult to give the same priority to inclusion and community cohesion issues, let alone to embrace closer relationships with a broader range of services—where in some cases, such relationships may not anyway be wholly positive.

36. A number of authorities have made a lot of progress through excellence clusters and extended schools programmes, but it is essential to try and create and promote an authority-wide vision. To this end, the NUT recommends that the Government should review the extent to which present arrangements act as an incentive for schools to behave in line with changing aims and objectives; the NUT would argue that some significant adjustments are necessary. The Government must harmonise its policies and priorities.

37. A growing number of children do not attend their local school, with children travelling further to school as they move through the system. The NUT believes that Government policy should place greater emphasis on encouraging schools to recruit pupils from their local area. The Government must ensure fair admissions and shared responsibility between schools for inclusion and community cohesion. If not, attainment gaps, including between different ethnic groups, will widen further and there will be an even greater rise in the number of excluded pupils with SEN.

SCHOOL FUNDING

38. Accountability of funding remains a crucial consideration and this is a key concern. The recent Audit Commission study on education funding published in July 2004 states: "A minimum funding guarantee for schools and transitional funding for councils do not tackle areas of greatest need and represent inefficient use of resources".

39. Best value reviews, jointly led by education and social services, can be a useful starting point for developing a more integrated approach to structuring services for children and young people. A joint review can help foster closer working and produce a evidence base to steer the authority's approach to co-ordination and integration.

40. The disaggregation of budgets has been a major issue in authorities that have embarked on departmental restructuring. Disaggregation has exposed the chronic under funding of children's social care, which in the past had been subsidised by adult social care. It has been necessary to put more money into children's social care to make up for the shortfall.

41. Budget management has proved difficult in authorities that have embarked on restructuring since children's services budgets are highly volatile and demand driven. Authorities have had to grapple with the issue of how to protect school spending in the widest sense when budgets are integrated. Protection of the schools budget offers important reassurance to schools and the NUT believes such protection is essential in order to stabilise school budgets.

42. In the context of new local authority responsibilities for vulnerable children, each local authority should appoint lead professionals whose role it would be to provide advice to schools and take action where necessary when a vulnerable child has been identified. The proposed Children's Services Grant should be sufficient to fund the appointment of lead professionals.

THE SCHOOL WORKFORCE

43. The NUT believes that even in schools where numbers of staff and job titles remain unchanged, there will need to be an explicit focus within some roles on the liaison with other agencies. The Government will need to consider these issues explicitly and give a lead nationally on how schools are to be expected to support their staff and to recognise and organise additional responsibilities in terms of management allowances, non-contact time, and training.

44. The NUT recommends that the Government should consider and learn from the existing pressures on special educational needs coordinators in schools as an indicator of the pressures on staff whose role contains a focus on liaison with other agencies. The NUT carried out a survey of its special educational needs co-ordination (SENCO) members in 2003 and a copy of the survey is enclosed for the information of the Committee.

45. There are important implications for the training of school staff, management teams and head teachers flowing from the increasing range of staff based on the school site developing health and social services. One of the consistent themes in the NUT survey of SENCOs was the inadequacy of training provided for SENCOs, in terms of their own personal development, their management of other colleagues within the school, and their coordination and liaison with outside agencies.

THE CHILDREN BILL AND INFORMATION SHARING

46. The NUT is committed to the protection of children's rights. These rights relate not only to protection from harm, abuse and neglect but also to the right of privacy and the right of protection for family life. The Children Bill, as a Bill which deals with the sharing of information, should seek to balance these rights.

47. If there is to be a central database containing information about children, the NUT believes that it will be effectively useless unless adequate resources and training are allocated to those who will have guardianship of the information sources. Similarly, the NUT believes that unless some attempt is made to address the complexities that are likely to arise when dealing with multiple databases with differing levels of access, there is real danger that the information sharing structure will be unworkable. The death of Victoria Climbié was not due to an inability to share data but due to over worked and under staffed teams of professionals. No database can solve these problems. In fact, the creation of a database could be counter-productive, in becoming a panacea for all ills.

48. The NUT has a particular concern at the lack of parliamentary scrutiny that will be afforded to the data sharing provisions in the Children Bill. The Children Bill, when it becomes law, should comply with existing data protection and human rights' regimes. Only full parliamentary debate will allow proper consideration of the information sharing proposals in the Children Bill, so that the correct balance can be found.

49. The Green Paper gave relatively detailed descriptions of the Government's intention to set up individual files on each child in England and Wales. Each file would contain detailed information which would be accessible to a wide range of public bodies. The NUT appreciates that the Government's intention is to improve child protection by creating a framework for information sharing. Tragic deaths, such as that of Victoria Climbié, must be avoided at all costs.

50. The NUT, however, is concerned about a lack of balance. The Green Paper contained an apparent presumption that all data would be shared, with little consideration given to differing levels of access of the varying public bodies listed. Not only does this raise privacy issues, but it also creates a practical concern that so much information would be flowing to so many sources that children genuinely at risk might not be identified.

PROTECTING CHILDREN FROM DOMESTIC VIOLENCE

51. The NUT is concerned that the "Every Child Matters" agenda does not appear to acknowledge the extent to which domestic violence is a key feature in the majority of child protection cases and that this has specific implications for all future strategic planning. No post or body proposed by the Children Bill has the needs of such children specifically under its remit despite the fact that domestic violence features in nearly three quarters of cases where children are on the child protection register.

52. The DfES claims that the Children Bill is putting in place a stronger statutory and multi-agency framework to protect all children from harm. The NUT believes, however, that local safeguarding bodies will not necessarily address the needs of children witnessing domestic violence unless explicitly reminded and required to do so. The NUT believes that safeguarding boards should have access to a domestic violence specialist and should support schools in ensuring that domestic violence is addressed through the National Curriculum.

53. The Children Bill, currently going through Parliament, is missing a vital opportunity to rectify a situation where the needs of children living in households where domestic violence has occurred, or is occurring, are picked up. The NUT believes that the needs of children who witness domestic violence should become a specific responsibility of the new directors of children's services and the safeguarding boards which the Children Bill proposes to introduce.

ORGANISATIONAL CHALLENGES

54. The NUT believes that the integration on children's services should start with the needs of the child and the family, with clearly defined outcomes. The preferred model should build on partnership working that already exists at LEA and school level and assume that if any structural changes are needed they will emerge from the agreed outcomes.

55. The NUT believes that a bottom-up approach is vital. Imposing structural change is not the only effective way to achieve more joined up working and better outcomes for children and young people. Each authority will choose a different starting point. The complex organisational changes being advanced by the Government present considerable staffing and organisational management challenges at both school and LEA level. Authorities and schools should not feel pressurised into focusing on departmental organisational only when there are in fact a raft of changes required to develop a more integrated approach to the way services are delivered.

56. The NUT would like to see practical changes achieved by focusing on vision and values, on a clear set of intended outcomes and on putting in place the processes needed to work towards these at differing paces. Significant change in focus is needed to successfully implement the approach of Every Child Matters, whether or not local authority departmental structures are merged. The process must be a collaborative one based on proper consultation across all disciplines and clear messages from Government about meeting the five objectives for children and young people set out in ECM.

57. Despite the cultural barriers, a common agenda can be developed around the needs of the child since this is a vision that all the different professionals including teachers already share. It will be essential to set up adequate joint training and staff development processes, in particular induction training. A major issue posed by more integrated working is the need for a bigger supply of people who can work across boundaries.

November 2004

Memorandum submitted by The Foyer Federation

EXECUTIVE SUMMARY

The Foyer Federation is the UK's leading youth organisation providing the largest network of accommodation integrated with education and training opportunities for 16–25 year-olds in housing need.

We welcome the opportunity to respond to this inquiry, which sets out the Foyer Federation's response to a number of proposals within Every Child Matters and the subsequent Children Bill. In particular, we have sought to highlight the challenges faced by Foyers as these changes roll out.

Key recommendations:

- Any future resourcing and organisational structure for Connexions must preserve the emphasis on partnership with the voluntary sector and meeting the needs of the most disadvantaged, but within a universal service. In particular, Connexions Partnerships should retain the target to reduce the number of young people not in education, employment or training (NEETs).
- We have reservations about Extended Schools being used as a panacea to address a plethora of issues. Inter-agency working focused around a school site will fail to reach the majority of the 10,000 young people Foyers work with each year – arguably some of the most in need of help. It is therefore crucial that Government looks creatively about ways of providing alternative hubs for young people to access support services, and this should include engaging with the voluntary sector.
- We note with regret, the omission of housing from the Children Bill. Housing need has a fundamental impact on the life chances of young people, and must be addressed in any new joined up approach taken by local authorities and other agencies.

INTRODUCTION

1.1 The Foyer Federation is the UK's leading youth organisation providing the largest network of accommodation integrated with education and training opportunities for 16–25 year-olds in housing need.

1.2 Foyers provide accommodation with opportunity for young people, and a community in which they can grow towards independence and thrive. By integrating training and job search, personal support and motivation with a place to live, they provide a bridge to independent living, and a chance for young people to realise their full potential.

1.3 There are around 130 Foyers across the UK supporting over 10,000 young people every year. There are various models, ranging in size from fewer than ten beds to well over 200. Foyers can be developed as new builds or as conversions from existing projects and services. All Foyers are independently developed and managed by local partnerships and/or Housing Associations, but the Foyer Federation and the Foyer Accreditation Scheme connect them all through shared values, operating principles and a quality framework.

1.4 Foyers aim to meet their mission statement by providing affordable and secure accommodation with personal support and access to training and employment. Unlike other accommodation, the Foyer requires a two-way agreement with residents, so that in exchange for accommodation and use of the Foyer services, the young person commits to working on an action plan to move towards personal and economic independence.

1.5 What therefore marks Foyers out from other solutions to housing need amongst young people is their holistic approach to breaking the no home: no job: no home cycle experienced by many homeless and marginalised young people.

1.6 This submission outlines The Foyer Federation's views and concerns in relation to Every Child Matters and the Children Bill and developments that have taken place since the publication of the Green Paper.

THE FUTURE OF THE CONNEXIONS SERVICE

2.1 The Foyer movement has developed a close working relationship with Connexions since its inception, at local, regional and national levels. Over the past three years, we have conducted an annual survey amongst Foyers which collates feedback on their experience of working with the service. This evidence highlights the steady improvement of the Connexions service, especially for hard to reach groups. For example, in 2004, only 14% of respondents judged the service to be poor, compared to 23% in 2003.

2.2 The survey concentrates on the relationship between Foyers and Connexions services, the quality of service offered to young people in Foyers, and the involvement of young people in Foyers in the Connexions Service, for example through sitting on interview panels for Connexions staff.

2.3 We believe that the 86% satisfaction rating highlighted in this year's survey demonstrates that the consistent emphasis on partnership between Connexions and the voluntary sector over the past four years is now bearing fruit. This partnership has taken time to build and it is vital that any changes in structure do not disrupt the working relationships on the ground.

2.4 In the run up to this year's budget, The Foyer Federation, along with leading youth charities, NCVYS, UK Youth, the YMCA, Fairbridge and Rathbone, made a public request to Ministers to ensure that any future resourcing and organisational structure for Connexions preserves this emphasis on partnership and meeting the needs of the most disadvantaged, but within a universal service.

2.5 Any new arrangement should meet the following tests:

- Partnerships retain the target to reduce the number of young people not in education, employment or training (NEETs).
- Partnerships have explicit performance objectives in terms of partnership with the voluntary sector eg the percentage of Connexions sites in voluntary sector settings, and the involvement of the voluntary sector in governance structures.
- Partnerships are able to demonstrate that advice is given from an impartial standpoint, not influenced by the institution in which the Adviser may be based.

2.6 A great deal of resource has also been invested into setting up the service and promoting the Connexions brand, which is now well recognised amongst young people. However, continuing to use the brand for an entirely different service subsumed by local authorities would be both disingenuous and confusing.

2.7 If the Connexions service was to be brought under local authority control, we would be concerned about how that might affect its spending priorities and its engagement with the voluntary sector.

2.8 If, as early evidence indicates, the reforms resulting from Every Child Matters and the Children Bill means that Children's Trusts are dominated by education departments, we would be concerned about a return to the very problems that led to the creation of Connexions in the first place—and in particular a lack of attention to young people who need a second chance in learning and skills.

EXTENDED SCHOOLS

3.1 We welcome the joined up, inter-agency approach around which the Extended Schools principle is based. However, we have reservations about them being seen as a panacea—addressing a range of issues, many of which may manifest themselves more fundamentally outside the school gates and may mean school is not the appropriate place in which to tackle them.

3.2 Inter-agency working focused around a school site will fail to reach the majority of the 10,000 young people Foyers work with each year, arguably some of the most in need of help. These young people have the weakest links with schools, either because they have dropped out, have been excluded or indeed are wary about accessing services in a relatively formal environment.

3.3 These concerns are supported by research conducted by think tank Demos in *Extended schools: can health, social and education staff learn to work together?*, which found that the best work was often not being carried out by official extended schools, but other schools where pupils and voluntary organisations helped develop new ways of working with health and social care services. The paper also goes on to warn of the danger that extended schools could “suck resources” from their local communities.

ALTERNATIVE HUBS FOR SERVICE DELIVERY

4.1 It is crucial that Government looks creatively about ways of providing alternative hubs for young people to access support services, and this should include engaging with the voluntary sector.

4.2 For example, health has become an increasingly prominent concern for Foyer managers and residents. Young people were either not accessing the healthcare they needed, or the support did not meet their specific needs. In response, the Federation set up a number of initiatives to support Foyers. The Foyer Federation supports health services in Foyers through a programme of sharing good practice and building links with statutory services, which is funded by a Department of Health Section 64 grant.

4.3 In addition, a number of grant programmes have funded health activities in Foyers, notably the Gatsby Health Partnership grants, funding everything from a one-day health fair to a year's part-time health post in a Foyer. So far all these projects have led to work that has continued, usually with PCT funding, after the duration of the grant. This highlights the real added value the voluntary sector can bring as a neutral intermediary, helping the statutory sector reach out to the hardest to help in a less formal and intimidating environment.

4.4 The Foyer Federation has also recently launched the national roll out of our homelessness prevention pilot, *Safe Moves*, attended by Homelessness Minister Jeff Rooker. *Safe Moves*, a national partnership between the Foyer Federation and Connexions, brings together a range of local agencies—local authority housing and social services departments, Children's Trusts, Connexions, YOTs, DATs, Community Safety Partnerships, schools, Foyers and the police—to co-ordinate interventions aimed at supporting young people who are experiencing family distress, have run away or are at risk of becoming homeless. The three main elements offered by the programme are peer mentoring, family mediation and lifeskills training.

4.5 The Foyer Federation initiated the *Safe Moves* project after listening to the views and experiences of Foyer residents, and recognising that the expertise of the Foyer movement could be applied to prevention and early intervention. Peer mentoring has been a particularly powerful element of the initiative. In the words of a resident at Bradford Foyer: *"If only someone had told me how hard it would be to live away from home—but it would have had to be someone like me."*

4.6 The programme has been piloted in four separate areas over the last 18 months. An evaluation of the pilot stage was conducted by the Centre for Housing Policy at the University of York and a toolkit has been produced as a "how to" guide for other agencies seeking to adopt the model. The Foyer Federation will offer national management support to agencies wishing to develop *Safe Moves*—so far around 47 have expressed an interest—and the Office of the Deputy Prime Minister has committed further funding to support the roll out of the scheme nationwide.

DATA SHARING

5.1 The Foyer Federation's experience indicates that there is an inconsistent approach to information sharing between statutory agencies, with some far more willing and/or able to share information than others, particularly for those who are aged 13 and over. This is despite the guidance issued by the Information Commissioner to the Connexions service.

5.2 For inter-agency and inter-sectoral working to be meaningful, a clear protocol and code of practice must be developed in relation to clients aged 13 and above, to which all agencies must adhere. This system would ideally be IT based, however, any new software system should not place undue burdens on voluntary sector partners, either in terms of cost, training or implementation.

ROLE OF THE CHILDREN'S COMMISSIONER AND THE VOICE OF YOUNG PEOPLE

6.1 We are disappointed to note that the Government did not agree to include young people in the title of the Children's Commissioner, and that the powers do not match those of NI, Scotland and Wales, with there being no duty on the new Commissioner to investigate individual cases.

6.2 We also note with regret, the omission of any reference to housing in the Children Bill. Housing need has a fundamental impact on the life chances of young people, and must be addressed in any new joined up approach taken by local authorities and other agencies. The Foyer concept recognises the interdependency between housing and access to education and training and the need for a holistic response to a young person's needs. We would hope that any guidance issued to Children's Trusts takes this into account in setting priorities for their working practices.

CONCLUSION

Any future resourcing and organisational structure for Connexions must preserve the emphasis on partnership with the voluntary sector and meeting the needs of the most disadvantaged, but within a universal service. In particular, Connexions Partnerships should retain the target to reduce the number of young people not in education, employment or training (NEETs).

We have reservations about Extended Schools being used as a panacea to address a plethora of issues. Inter-agency working focused around a school site will fail to reach the majority of the 10,000 young people Foyers work with each year—arguably some of the most in need of help. It is therefore crucial that Government looks creatively about ways of providing alternative hubs for young people to access support services, and this should include engaging with the voluntary sector.

We note with regret, the omission of housing from the Children Bill. Housing need has a fundamental impact on the life chances of young people, and must be addressed in any new joined up approach taken by local authorities and other agencies.

November 2004

Memorandum submitted by Centrepont

CENTREPOINT AND THE COMMITTEE'S ENQUIRY

1. Centrepont is a national charity and a housing association. Established 35 years ago, we work to help young people on a downward spiral—especially homeless young people—build firm foundations, turn their lives around and fulfil their potential. We have always worked to influence public policy and provision as well as provide direct services.

2. Using 250 full-time staff and additional volunteers our £12 million turnover finances direct work (mostly in London) with 1,600 of Britain's most disadvantaged young people each year. We also animate local partnerships of organisations dedicated to tackling youth homelessness (currently in Worcestershire, Durham and Gateshead). We work nationally to influence policy, provision and practice on youth homelessness and social exclusion, based on the evidence of our work and always working with young people.

3. In this memorandum the points raised by the Committee which are most relevant to the young people Centrepont works with have been addressed in turn. We would be happy to elaborate on these matters verbally, or arrange for the Committee to visit some of the young people we work with and hear their views and experiences directly. Please contact Lisa Nandy, Policy and Research Officer, on 020 7426 5373 for more information.

INTEGRATED SERVICES

4. Centrepont is concerned that while housing services are mentioned as a possible component of Children's Trusts, they will not necessarily form part of a local authority's Children's Department. We strongly recommended in our response to the Every Child Matters consultation that housing workers who are involved with children or young people should have a duty to be involved in decisions regarding them. It is often the housing worker who knows the most about the family or young person because they have to collect so much information about them prior to any decision.

5. It is vital that multi-disciplinary teams include housing workers even if housing does not form part of the Children's Trust. Decisions about housing cannot be taken in isolation from decisions about other aspects of a child or young person's welfare because the two are symbiotic.

6. Prevention of homelessness requires responses across statutory provision and not just from housing. In light of this Connexions or Children's Trusts need to take responsibility for ensuring that locally available early interventions are accessible for young people and that they are operating with the common purpose of homelessness prevention in mind.

7. We are also concerned to ensure that refugee professionals are involved in integrated services. We work with increasing numbers of young refugees and are aware that working with and for them sometimes requires specialist knowledge. We are concerned that without their inclusion in the specialist teams young refugees will not be adequately supported.

LISTENING TO CHILDREN

8. The Children's Commissioner is generally regarded very positively by the young people supported by Centrepont. However there is a great deal of cynicism about whether children and young people will be listened to, and so it is crucial that this is more than a token measure.

9. Our concerns mainly focus on the extent of the powers of the Commissioner. In addition, the young people we work with do not generally feel that they are represented or that their views are taken into account by decision makers. We are concerned to ensure that they will also have access to the Commissioner.

10. It is vital that children and young people are involved from the very beginning in policy and service formulation, development and evaluation. We strongly believe that children and young people should be involved in selecting and evaluating the Commissioner, and we are very concerned that there is no provision in the Children Bill to ensure this.

11. To be effective the post must be independent and report directly to Parliament, rather than to the Secretary of State as currently stands. Without these measures children and young people will not regard the Commissioner as an independent and visible advocate on their behalf. We also believe the Government should have a duty to respond to the Commissioner's reports.

12. The power of appointment currently rests with the Secretary of State which to some extent undermines the Commissioner's independence. In addition ministers will have power to direct the Children's Commissioner to undertake inquiries. We feel strongly that potential inquiries should originate from children and young people and not from the Government.

13. In addition we agree with the Children's Commissioner for Wales that it is important that the Commissioner must (rather than may) have regard to the UN Convention on the Rights of the Child.

14. We also agree that the Children's Commissioner must have the power to investigate individual cases, in addition to general practice, so that children and young people can approach the Commissioner directly. We understand the Government's fear that the Commissioner could become hindered by large amounts of casework. However we believe it would raise the Commissioner's profile, make him/her more accessible to children and young people, and increase his/her ability to speak with authority on issues affecting children and young people.

15. In order to re-engage young people it is also vital that they can see positive action resulting from their involvement with the Children's Commissioner. Without a well staffed and resourced office this will be impossible. We are concerned that the legislation places control of the Commissioner's budget with the Secretary of State thus enabling it to be reduced or withdrawn as he or she wishes.

16. We welcome the clause in the Children Bill which states the Children's Commissioner must have regard to groups of children who lack adequate means to make their views known. Many young people feel very strongly that the Government does not engage with those children and young people for whom the system does not work. In order to improve the system it is vital that the most excluded are engaged.

17. In order to achieve this we recommend that the Commissioner finds imaginative ways to access children and young people and does not rely solely on schools. For example a mechanism for canvassing opinion in care homes, youth clubs and through the probation system could be established. Young people outside London also feel very strongly that their different views and needs must be represented, and are not always at present.

18. We fully support the amendments made by the House of Lords which would extend the Commissioner's remit to vulnerable young people, who we would define as young offenders, 18–21 year old careleavers, young people with learning difficulties and young people under the age of 22 who feel they need the additional protection the Commissioner affords.

WORKING WITH PARENTS

19. Centrepont welcomes the Government's emphasis on providing guidance and role models for young people, particularly those at risk. In recent research we found that less than half of homeless young people (47%) identified their parents as positive role models compared to two thirds of all young people who identified their parents as a source of encouragement and inspiration. The majority of young homeless people rely mainly on themselves (78%).¹¹ Therefore we consider it vital that support for young people includes providing role models throughout their childhood and teenage years. Rebuilding links between parents and children is one way to do this.

20. We also know that the vast majority of young people who approach us for help are homeless because of a breakdown in family relations. We consider support for families crucial in helping to create stable environments for children and young people and give them the best chances in life. However, these services must be culturally sensitive and able to reach children and young people with the most disadvantaged and deprived backgrounds.

21. The young people we asked feel very strongly that tensions normally arise between parents and children for reasons wholly unconnected to their relationship. They felt the main source of tension was money and we recommend that support for parents includes debt and money advice. We recognise the Government's focus on targeting financial support at families and we hope that sufficient funds will continue to be made available in order that financial pressures in the home are eased.

22. Many young people felt that tensions in the home often escalate beyond repair because it is difficult for parents to get out of the house. We strongly recommend that the Government provides respite for isolated, socially excluded parents on benefits, particularly those with young children.

23. We strongly support providing assistance for parents in the early years when they are undergoing fundamental life changes. Many children felt it would be very useful for their parents to be taught parenting skills by other local parents in an informal setting. A good model for this is the scheme run by Homestart where volunteers visit parents in their own homes and give advice on an informal and friendly basis.

24. This is vital because it will be impossible for the Government to provide support where parents are unwilling to accept help. Most young people feel very strongly that they and their parents would be opposed to the idea of strangers interfering in family life. Any support must be provided on a voluntary basis to people who request it. Support of this nature will only be accepted if it offers some practical benefits such as grants or other practical assistance in addition to the support and development approach. We recommend

¹¹ "A Point in Time: Young People on the Pressures of Life in 2003", *Centrepont* (2003).

that teachers, parents and children or young people are involved in the process. Many young people are extremely opposed to the idea that teachers and parents may work together without their involvement and are keen that their voices should be heard.

25. We also recommend that support is made available for the parents of teenagers. This is a time when relationships can come under a great deal of strain. At that stage we do not consider it appropriate to provide parenting classes but advice and information so parents feel better able to support their children would be very welcome.

THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES.

26. The Children Bill enables the Secretary of State to require local authorities in England and Wales to establish databases containing basic information about all children and young people. The database seeks to facilitate information sharing between providers of children's services about the children and young people they support.

27. Centrepont cautiously welcomes this proposal as it is important that children and young people are not "lost" to the system, but the focus must not be about just improving technical ability to share information. The technical aspect of this proposal (database development and legal aspects of sharing information) is important but there must be a commitment to managing cultural change amongst those working with children and young people to ensure more effective collaboration.

28. In addition we are concerned that requirements to share information may deter young people from seeking confidential advice and information. It is essential that young people can seek advice and support without the fear that this will be communicated elsewhere, particularly in small towns and villages or rural areas, where this may become more widely known.

29. There must be clarity about who owns information and an age limit at which point the information will be destroyed. Providing clarity gives young people the ability to decide whether to approach services for help because they are aware of all the implications.

YOUNG PEOPLE

30. We welcome the emphasis on protection for young children. However we consider it vital that development is also built into the strategy for teenagers. At this age it is crucial that young people are given the opportunities they need to fulfil their potential.

31. For young people at risk there is a further crucial element: to help them become more resilient and learn to cope with the difficulties they currently face and will continue to face throughout life. Centrepont places a great deal of emphasis on this as part of our support work with young people, and consider equipping young people with the skills they need to cope alone crucial to any effective support strategy. This is an essential part of any strategy that hopes to break the inter-generational cycle of disadvantage, social exclusion and increased risk. We hope that building resilience and helping young people to develop will not be sidelined by the attempts to protect younger children.

32. Although young people are not a homogenous group it is vital that all agencies involved with them recognise that they are distinct from, and have different needs to both children and adults. The transition to adulthood is an extremely difficult time and focusing on services for young children and their parents may allow this highly vulnerable group to slip through the net. It is important to recognise that many young people at this age are living independently, effectively being forced to behave as adults, but without the experience, emotional maturity and skills to cope with this.

33. We strongly recommend that Children's Trusts are renamed Children and Young People's Trusts to reflect the fact that they are dealing with two distinct groups.

VOLUNTARY SECTOR INVOLVEMENT

34. We are concerned that there is no explicit reference to the voluntary and community sector in the Bill although it plays a crucial role in the provision of services. Although the government has stated the guidance will promote the role of voluntary organisations in delivering services this will not carry statutory force.

35. The important role played by the voluntary and community sector should be made explicit in guidance issued to local authorities responsible for setting up the Children's Trusts. Children's Trusts should be required to involve the voluntary and community sector as an equal partner.

36. We suggest this could operate in a similar fashion to the Children's Fund with representatives on the board, feeding information into the board from the voluntary sector and back to the voluntary sector from the board. This could work in addition or as an alternative to a voluntary sector forum which would feed information and advice to the board. It would be crucial for this to operate as a two-way flow of information.

Memorandum submitted by Women's Aid

1. BACKGROUND

1.1 Women's Aid Federation of England (Women's Aid) is the national domestic violence charity which co-ordinates and supports a network of over 300 local organisations in England, providing over 500 refuges, helplines, advocacy, outreach services and advice services to women and children experiencing domestic violence. Women's Aid's work is built on 30 years of campaigning and working in partnership with national and local government, health authorities, the justice system and voluntary organisations to promote the need for an integrated approach to prevent domestic violence and to protect abused women and children.

1.2 Local Women's Aid organisations work annually with thousands of children and mothers who have experienced domestic violence, and for whom contact problems and post-separation violence are everyday concerns. Last year these local Women's Aid services accommodated approximately 23,500 children and supported over 110,000 children.

1.3 We welcome the opportunity to submit evidence to the Select Committee on *Every Child Matters*, because children who have experienced domestic violence urgently need protection and emotional support particularly in the high-risk period during and after the separation of their parents. It is this knowledge and experience that informs the concerns and recommendations set out in this paper.

1.4 Due to the pressure of responding to several other Government initiatives at this time, we can only comment on three of the issues specified by the Select Committee and of most relevance to our work: listening to children, working with parents and sharing information. First, however we want to set out our key concerns and to highlight the serious risks for children who are living with or fleeing from domestic violence.

2. KEY CONCERNS AND RECOMMENDATIONS

2.1 Women's Aid is concerned that domestic violence was hardly mentioned in the Green Paper, *Every Child Matters*. We recommend that the Government address the specific needs of children who have experienced domestic violence, so that they too can benefit from initiatives to improve the protection and welfare of all children.

2.2 Women's Aid is concerned that the establishment of children's services under the current Children Bill is likely to reinforce the idea that the child's safety should be considered separately from the safety of the mother, even when both are at risk from the same domestic violence perpetrator. We recommend that Government issue a clear directive to all professionals working in statutory agencies and within the criminal, civil and family justice system of the need to support non-violent parents in making safe arrangements for themselves and their children in cases of domestic violence.

2.3 Women's Aid is concerned that electronic databases specified in the current Children Bill could be used by abusers to track down women and children fleeing from domestic violence, and we recommend that appropriate safeguards are introduced into these systems as a matter of urgency.

2.4 Women's Aid is concerned about the increasing numbers of women and children being killed by domestic violence perpetrators. In 2001–02 there were 116 women who were killed by current or former partners¹². We also know of 10 children killed as a result of contact or residence arrangements since 2002. The Government has not kept statistics on this, so the actual figure may be higher. Women's Aid recommends that all professionals in statutory agencies and in the criminal and family justice systems have mandatory training to enable them to understand the dynamics of domestic violence and how to respond appropriately. Without such training we fear that the implementation of Section 120 of the Adoption and Children Act 2002 could result in more abused women being prosecuted for failing to protect their children from domestic violence perpetrators.

2.5 Women's Aid is concerned that government initiatives are effectively reducing the availability of specialist domestic violence support services for children affected by domestic violence. We recommend that the Government provides statutory funding for children's services in local refuges. Doing so would help children affected by domestic violence to achieve the five desirable outcomes set out in *Every Child Matters*. As support services can help these children to recover from trauma and to recognise that violence is not acceptable, we would also expect to see a reduction in emotional and behavioural problems and an improvement in educational attainment.

2.6 Women's Aid is concerned that the serious child protection issues relating to child contact and domestic violence were not addressed in the Domestic Violence, Crime and Victims Bill or the Children Bill. We urgently need legislation to tackle this issue. We recommend that courts are required to conduct a mandatory risk assessment and to prioritise the safety of the child in private law contact and residence cases involving allegations of abuse, and it is essential that this is introduced before new measures to enforce contact more rigorously. We are not calling for a ban on contact in domestic violence cases, but we want safe contact.

¹² Crime in England and Wales 2001–02: Supplementary Volume, Home Office, 2003.

2.7 Women's Aid is concerned that children who do not want contact with a violent parent are often not listened to or taken seriously. We recommend that the separate representation clause in Section 122, Children and Adoption Act 2002 is implemented without further delay.

2.8 Women's Aid is concerned that children are very unlikely to disclose abuse during a one-off interview with a social worker, psychiatrist or psychologist. We recommend that the procedures for investigating allegations of abuse in private law family proceedings are reviewed and replaced by arrangements which enable children to be assessed in a child friendly environment using child-friendly techniques and with sessions taking place over several weeks so there is an opportunity to build up trust.

2.9 Women's Aid is concerned about the acute shortage of supervised contact facilities, as this means that contact arrangements are often unsafe in cases of domestic violence. We recommend that all parts of the country have at least one accessible contact centre offering supervision for high risk cases.

2.10 Women's Aid also recommends the establishment of a national strategic framework that introduces minimum standards for both Children's Trusts and Children's Centres, including standards to meet the specific needs of children who have experienced domestic violence.

3. THE RISKS FACING CHILDREN AFFECTED BY DOMESTIC VIOLENCE

3.1 In 2003 the Department of Health stated: "At least 750,000 children a year witness domestic violence. Nearly three quarters of children on the 'at risk' register live in households where domestic violence occurs."¹³

3.2 Research commissioned by the Department of Health shows that domestic violence is a major indicator of risk of harm to children, and that children are often abused physically sexually or emotionally by the same perpetrator who has abused their mother.¹⁴ Children whose mothers experience domestic violence tend to have the worst outcomes in child protection cases.¹⁵

3.3 Research indicates that domestic violence accounts for about half of all child deaths.¹⁶ Women's Aid has compiled a list of 29 children in 13 families who have been killed as a result of contact (or in one case residence) arrangements in England and Wales over the last 10 years. Ten of these children were killed during the last two years, and domestic violence was involved in each of these cases.¹⁷

3.4 In 1999 a survey of 130 abused parents found that out of 148 children who were ordered by the courts to have contact with a violent parent, 76% were said to have been abused in the following ways during contact visits:

- 10% sexually abused.
- 15% physically assaulted.
- 62% emotionally harmed.
- 36% neglected.
- 26% abducted or involved in an abduction attempt.
- Most of these children were under the age of five.¹⁸

3.5 In 2001 research revealed that children involved in private law contact proceedings "were highly distressed (46% had significant levels of emotional and behavioural difficulties). Levels for children who were interviewed were comparable with those reported for children subject to child protection proceedings and

¹³ Department of Health (2003) *Into the Mainstream—Strategic Development of Mental Health Care for Women* p 16.

¹⁴ Hester, Pearson & Harwin (1999) *Making an Impact*. Jessica Kingsley Publications.

¹⁵ Farmer & Owen (1995) *Child Protection Practice: Private Risks & Public Remedies*. London, HMSO.

¹⁶ Sinclair, R & Bullock, R. (2002) *Learning from Past Experience—A Review of Serious Case Reviews*. Department of Health; Brandon, M & Lewis, A (1996) "Significant harm and children: experiences of domestic violence", *Child & Family Social Work*, 1, pp 33–42.

¹⁷ Saunders, H (2004 forthcoming) *Twenty Nine Child Homicides: The Lessons that Need to be Learnt*. Bristol, Women's Aid Federation of England.

¹⁸ Radford, Sayer & AMICA (1999) *Unreasonable Fears?* Women's Aid Federation of England, p 20.

nearly twice the level expected in the general child population. Distress in children was linked to distress in the resident parent and to domestic violence. For boys, it did not alleviate once proceedings were over and it remained high for girls”.¹⁹

3.6 In 2003 a survey involving 178 refuge organisations in England & Wales considered court practice with regard to child contact and domestic violence in private law family proceedings and found that:

- 15% (27 refuge organisations) reported cases where a contact visit with a violent parent had resulted in a child suffering significant harm.
- 12% reported cases where contact orders were granted to parents whose behaviour had caused children to be placed on the Child Protection Register, and 6% reported cases where contact orders were granted to Schedule 1 offenders. This involved a total of 82 children, and 21 of these were ordered to have unsupervised contact with the known abuser.
- 20% knew of cases where residence orders had been granted to abusive parents, often because the abuser had remained in the family home and could offer “stability”;
- Respondents knew of 175 women who had been threatened with sanctions to make them comply with contact orders. In many of these cases there was evidence of police involvement, breached injunctions or convictions for violence to the mother or child. The most common threat used was that residence would be granted to the abusive parent, and in some cases this is what happened.²⁰

4. LISTENING TO CHILDREN

4.1 Serious case reviews into child homicides have repeatedly stressed the importance of listening to children and taking their concerns seriously. This message is repeated again in our forthcoming report, *Twenty Nine Child Homicides: The Lessons that Need to be Learnt*.²¹

4.2 However, having an opportunity to talk to children and find out their wishes and feelings is often very difficult in cases of domestic violence, because perpetrators typically maintain power and control over their victims (including children) by isolating, intimidating and humiliating them.²² Usually the perpetrator will make sure that there is no opportunity for the non-violent parent or the children to speak freely, and often they will be too frightened or too ashamed to say anything, *even when the perpetrator is not there*.²³

4.3 It is essential that statutory and voluntary agencies dealing with cases of domestic violence should be able to recognise controlling behaviour and to respond in a way that enables abused women and children to speak freely. More fundamentally, there is a need to build up trust with children and with the non-violent parent, so that they can feel confident enough to disclose what is happening within the family. This can be a slow and painful process, because most mothers who experience domestic violence say that their greatest fear is that their children will be taken into care,²⁴ and for this reason they are likely to be very distrustful of statutory agencies.

4.4 Frontline staff also need to be aware that abusers often monitor every interaction involving their partner, including phone-calls and letters, so any attempt to communicate in this way could potentially endanger both the non-violent parent and the children.

4.5 When asked what children living with domestic violence need, children involved in a recent study “were astonishingly clear and consistent”. Most commonly cited was safety, closely followed by someone to talk to. One or both of these themes featured in every response to this question.²⁵

4.6 However, the findings of the 2003 survey involving 178 refuge organisations in England Wales raise serious concerns about the extent to which children’s wishes and safety are taken into account in family proceedings involving child contact and domestic violence:

- Only 3% of respondents thought that appropriate measures are now being taken to ensure the safety of the child and the resident parent in most contact cases involving domestic violence;
- Only 6% believed that children who do not want contact with a violent parent are being listened to and taken seriously in most cases.²⁶

¹⁹ Buchanan, Hunt, Bretherton & Bream (2001) *Families in Conflict*. Bristol, The Policy Press (quote from executive summary).

²⁰ Saunders, H & Barron, J (2003) *Failure to Protect?* Bristol, Women’s Aid Federation of England.

²¹ Saunders, H (2004 forthcoming) *Twenty Nine Child Homicides: The Lessons that Need to be Learnt*. Bristol, Women’s Aid Federation of England.

²² Pence, E (1985) *Coordinated Community Response to Domestic Assault Cases*. Duluth, Minnesota, Domestic Abuse Intervention Project.

²³ Saunders, H (2004 forthcoming) *Twenty Nine Child Homicides: The Lessons that Need to be Learnt*. Bristol, Women’s Aid Federation of England.

²⁴ Abrahams, C (1994) *The Hidden Victims*. London, NCH Action for Children.

²⁵ Mullender et al (2002) *Children’s Perspectives on Domestic Violence*. London, Sage Publications. (p 107)

²⁶ Saunders, H. & Barron, J (2003) *Failure to Protect?* Women’s Aid Federation of England, p 5.

4.7 The need for safety was also emphasised repeatedly by children taking part in a Listening to Children event on 16 June 2004 at Portcullis House, Westminster, which was organised by Women's Aid with the help of the Ragdoll Foundation. Fifty children and young people attended this event and put questions to Paul Goggins, the Home Office Minister responsible for dealing with the Domestic Violence, Crime and Victims Bill. This included several very challenging questions about the family justice system:

Why do the courts force children to see their dads when they are frightened of them?

My father was given unsupervised access after I had given my views to CAFCASS of why I didn't feel safe. I was asked my views and not listened to. They didn't understand my views, can you do anything to change this for others?

Will the government help my mum and me be safe from my dad? He beat us and we don't want to see him.

Why aren't we allowed to go to court with our mums? We may be young but we still have a right to show our own feelings and wishes.

Why don't the courts make sure it is safe for mums and children when they know the dads are violent?

Who tells the judge off when he doesn't listen to the children?

4.8 As family court decisions are supposed to be made in the best interests of children, it is vitally important that the views of children who do not want contact with a violent parent are taken into account. Women's Aid recommends that Section 122 of the Adoption and Children Act 2002 should be implemented without further delay, so that the courts have to consider whether children involved in private law family proceedings need separate representation.

4.9 Statutory agencies also have a crucial role to play in investigating allegations of abuse and making sure that concerns about child protection are raised in private law family proceedings. As abuse usually occurs behind closed doors, it can be very difficult to prove allegations and unfortunately the standard procedure for investigating allegations of abuse cannot be described as "child-friendly". At present, if an allegation of child abuse is made during private law family proceedings, the judge will usually order social services to investigate the situation and prepare a report under Section 37 of the Children Act 1989. Often this will involve a home visit lasting for perhaps an hour and including a private discussion with the child(ren). In many of these cases young children do not mention the abuse, the social worker reports that s/he could find no evidence to substantiate the allegations, and the court then concludes that there is no reason to refuse contact.

4.10 The survey involving 178 refuge organisations found that 83 percent say that young children are not likely to disclose abuse during a one-off interview with a professional (such as a social worker, psychiatrist or psychologist). This is because abuse is a very sensitive issue, and there is no time to build a trusting relationship with the child.²⁷

4.11 In these cases specialist assessments are needed, because it is only by assessing the child in a child-friendly environment over several weeks that professionals are likely to gain an insight into how the child views his or her family. To our knowledge, very few organisations provide specialist assessments of children involved in private law family proceedings, and those who do (eg Barnardo's Keeping Children Safe Project in Liverpool) are heavily oversubscribed. As this service is vital for the protection of children in cases of abuse, it should be made available throughout the country. We strongly recommend that the Department for Education and Skills encourages children's trusts and children's centres to address this urgent need.

4.12 There is also an urgent need for ring-fenced funding to be provided to enable children's services in refuges to meet the National Standards for Under 8s Day Care. These are the only nationwide dedicated support services for children who have experienced domestic violence, but there is no statutory funding framework for these services. Refuge organisations currently provide accommodation for approximately 23,500 children a year and support services for over 110,000 children a year.²⁸ As so many of these children are in need and at risk, it is essential that refuge organisations should be able to provide appropriate support for them. However, the requirement to comply with the National Standards for Under 8s Day Care has resulted in support services being reduced in many refuges, because they cannot afford to meet the staffing ratios or the minimum space standards.²⁹

²⁷ Saunders, H. & Barron, J (2003) *Failure to Protect?* Bristol, Women's Aid Federation of England.

²⁸ Women's Aid Federation of England (2003) *Survey of Domestic Violence Services*.

²⁹ Women's Aid Federation of England (2004) *One Year On: the status of children's services in refuge organisations since the implementation of the National Standards for Under 8s Day Care*.

5. WORKING WITH PARENTS

5.1 A key finding of our forthcoming report on Twenty Nine Child Homicides is that Government guidance on multi-agency work to tackle domestic violence seems to have been ignored in some of these cases, particularly with regard to working with parents.³⁰

5.2 The Framework for the Assessment of Children in Need and their Families sets out procedures for assessing if children are in need or at risk of significant harm, but it says very little about domestic violence. More detailed guidance for statutory agencies is provided in *Working Together to Safeguard Children*, which states:

“Domestic violence is likely to have a damaging effect on the health and development of children, and it will often be appropriate for such children to be regarded as children in need. Everyone working with women and children should be alert to the frequent inter-relationship between domestic violence and the abuse and neglect of children.”³¹

“Often supporting a non-violent parent is likely to be the most effective way of promoting the child’s welfare.”³²

5.3 This last point is critical because, in the experience of Women’s Aid, abused women will usually be able to care for their children adequately, if they are given appropriate information, advice and support to enable them to be safe and to recover from their experiences of abuse. Although the mother and child will need different kinds of emotional support, they both need to be physically safe and usually they need to be safe together. As most abused women are afraid that their children might be taken into care,³³ agencies which focus on the safety of the child without considering the safety of the non-violent parent, may make the problem worse, because they are likely to be feared rather than trusted by that parent.

5.4 *Working Together to Safeguard Children* also lists the following “considerations” for statutory agencies when responding to situations where domestic violence is present:

- asking direct questions about domestic violence;
- checking whether domestic violence has occurred whenever child abuse is suspected and considering the impact of this at all stages of assessment, enquiries and intervention;
- identifying those who are responsible for domestic violence in order that relevant criminal justice responses may be made;
- providing women with full information about their legal rights and the extent and limits of statutory duties and powers
- assisting women and children to escape from violence by providing relevant practical and other assistance;
- supporting non-abusing parents in making safe choices for themselves and their children; and
- working separately with each parent where domestic violence prevents non-abusing parents from speaking freely and participating without fear of retribution.³⁴

5.5 Identifying the perpetrator is crucial in dealing with domestic violence, but in some of the child homicide cases there seems to be a reluctance to do this, even when it is abundantly clear who has been violent. For example, two Serious Case Reviews use terms that suggest that both parents are responsible for the violence. One executive summary states that the parents “appear to have had a physically, sexually and emotionally abusive relationship.” Another refers to “marital conflict” and “marital violence”. This approach means that not only is the perpetrator not identified and prosecuted, but there is also no recognition of the need to provide support for the non-violent parent.

5.6 In another case where the mother disclosed extreme abuse, there was nothing to indicate that anyone had given her information about her legal rights or provided practical assistance to enable her and the children to escape to a women’s refuge or to apply as homeless to the local authority.

5.7 In several of the cases it is clear that the safety of the children was considered as a separate issue from the safety of the mother, and that even when the mother was facing potentially lethal violence this was not recognised as a child protection issue.

5.8 Women’s Aid recommends that Government issues guidance, reminding professionals working in statutory agencies and within the family justice system of the need to support non-violent parents in making safe choices for themselves and their children in cases of domestic violence. This is particularly necessary as the establishment of children’s services under the current Children Bill is likely to reinforce the idea that the child’s safety should be considered separately from the safety of the mother, even when both are at risk from

³⁰ Saunders, H (2004 forthcoming) *Twenty Nine Child Homicides: The Lessons that Need to be Learnt*. Bristol, Women’s Aid Federation of England.

³¹ Department of Health (1999) *Working Together to Safeguard Children*. London, The Stationery Office. (para 6.38)

³² Ibid (para 6.40).

³³ Abrahams, C. (1994) *The Hidden Victims*. London, NCH Action for Children.

³⁴ Department of Health (1999) *Working Together to Safeguard Children*. (para 6.41.)

the same domestic violence perpetrator. We hope that this will be emphasised when the Government brings out new guidance, combining the information contained in the Assessment Framework and also Working Together.

5.9 Women's Aid also recommends that professionals working in statutory agencies and in the family justice system should have appropriate training to enable them to understand the dynamics of domestic violence and how to respond appropriately. This will be needed even more when Section 120 of the Adoption and Children Act 2002 is implemented, as that could exacerbate abused women's fears about their children being taken into care.³⁵ Without such training we fear that the implementation of Section 120 could result in more abused women being prosecuted for failing to protect their children from domestic violence perpetrators.

6. THE CREATION, MANAGEMENT AND SHARING OF RECORDS, INCLUDING ELECTRONIC DATABASES

6.1 Women's Aid welcomes the move toward a "common approach to needs assessment that can be used by the whole children's workforce". We believe that this will facilitate earlier intervention and provided it includes specific questions assessing for domestic violence, it will provide an opportunity to support children and their non-abusing parent at an earlier stage.

6.2 The Common Assessment Framework is an opportune place to include screening and risk assessment for domestic violence so that these children no longer slip through the gaps. Women's Aid is concerned that the working group for the development of the Common Assessment Framework does not include a representative from specialist domestic violence services in the voluntary sector, despite domestic violence being such a cross-cutting issue for children. We strongly recommend that specialist domestic violence service providers like Women's Aid are involved in this work in future.

6.3 However, we also need to consider the implications that the Common Assessment Framework may have for voluntary organisations providing specialist domestic violence services to children. Research has shown that the vast majority of mothers who have experienced domestic violence say that their greatest fear is that their children will be taken into care.³⁶ For this reason many abused women are distrustful of statutory agencies and are more likely to turn to the voluntary sector for help and support for themselves and their children. However we are concerned that if domestic violence services in the voluntary sector (eg. children's support services in refuges) are required to use the Common Assessment Framework, this may deter some abused women from turning to these services for support, particularly as confidentiality is so crucial for their safety. These issues need to be discussed with the national network of refuge organisations and local and national government, so that we can find ways of working together, which provide reassurance and protection for survivors of domestic violence.

Electronic databases for information sharing:

6.4 With regard to the electronic databases on all children in England, Women's Aid recognises that these should help to improve information sharing in multi-agency work, and we hope that this will contribute to the recording and collating of evidence of abuse so that perpetrators can be prosecuted and victims protected more effectively. In particular, we believe it is essential that CAFCASS should have access to the databases, so that they can collect relevant information for welfare reports more easily.

6.5 However, Women's Aid is also concerned that instead of protecting children who have experienced domestic violence the databases could place them in greater danger, if appropriate safeguards are not put in place. This is because:

- The databases will include such information as the child's name and address and which school s/he is attending. This is all the information that a domestic violence perpetrator would need in order to track down his victims.
- The information contained on the databases will be accessed and shared by millions of employees in the key statutory agencies. Given the widespread prevalence of domestic violence, it is inconceivable that no perpetrators are employed by these agencies.
- Knowledge of the databases may deter abused women and children from seeking help from statutory agencies.
- There are no measures in the Children Bill to ensure the confidentiality of high risk cases or refuge addresses.

6.6 Women's Aid is continuing to discuss these issues with the Department for Education and Skills. We have put forward the following suggestions for safeguards:

A. Policy on checking requests for information

- The major concern is that in cases where abused women and children have fled from the family home, a perpetrator with parental responsibility would be able to go into the office of any participating agency and demand to know where their child is living, insisting that they have a right to this information under the Data Protection Act.

³⁵ Abrahams, C (1994) *The Hidden Victims*. NCH Action for Children.

³⁶ Abrahams, C (1994) *The Hidden Victims*. NCH Action for Children.

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- A solution has been put forward by Sheffield City Council who have put in place the following policy regarding requests for information held on their SafetyNET system:
 - A request needs to be made, in writing, to the Chief Executive of the Council. This would then be passed to the designated administrator of the SafetyNET system. The council has 40 (forty) days to respond to any request and therefore there is time for checks to be made against the defined criteria (eg. a child known to be involved in a domestic abusive situation). Under clause 29 of the Data Protection Act no-one need disclose personal information where to do so would be likely to result in the commission of a crime or where it would impede detection of a crime. This covers suspicions as well, so in a case of domestic abuse the information could legitimately be refused.
 - This is very helpful but some issues still need to be resolved. There would need to be a national quality assurance procedure followed by all participating agencies to ensure a reliable response, and it would be vital to have good procedures for identifying cases of domestic abuse, when children are registering with a new school or GP.
 - There are also questions about who should do the checks and how should checks be made. Sheffield Council suggests checking with Social Services or service providers such as women's refuges¹ but this would not help the majority of abused women who flee to a place of safety (perhaps staying with a friend or relative) without involving statutory or voluntary agencies. If a parent is asking for information about their child, then the fundamental question has to be, why do they need to ask in the first place? Clearly it would be important for the other parent to be informed and given the chance to respond¹ but would agencies do this, if a perpetrator claimed convincingly that the mother had mental health problems and had abducted the child?
 - There is also the possibility of an abusive parent obtaining an ex parte recovery order and interim residence order, the information being made immediately available through the database and the police having to return the child to the abuser. The use of the database in such circumstances would mean that the local authority and the police would be directly involved in actions which could result in serious harm to a child. How would statutory agencies resolve this conflict of interest?
- B. A central agency to establish and control the database:**
- Despite enhanced CRB checks and password protection there is a huge opportunity for misuse of the system, given the number of people who will have access to the database and the right to change information.
 - For this reason we suggest that in each area there should be a central agency responsible for setting it up the database, making changes to the data and giving access rights to interested parties. This would at least provide some accountability and protection. If a national database is set up, it would be even more important to have a central agency to establish and control the use of the database.
- C. System design and operation:**
- Women's Aid's considers it is essential that there should also be some way of identifying or "flagging" high risk cases and ensuring that the basic information including addresses does not appear on the screen in such cases.
 - We would also suggest that each form within the database should be password protected, preferably not using the child's NHS or NI number as that could be known to an abusive parent.
 - Another possibility would be to have biometrically based log ins and/or very short time display properties (to minimise the risk of casual viewers coming into the room and looking at the screen while someone is at the photocopier, etc).
 - While electronic records present the possibility of an unbreakable audit trail, it should be noted that this is not likely to be much comfort to a mother or child who has been tracked down by a domestic violence perpetrator due to misuse of the database.
- D. Ensuring safety when information is electronically transferred:**
- If information is transferred electronically to the database every time a child moves to a new school or registers with a new GP, women who have fled from an abusive partner may not even be aware that their new address is being recorded on the database.
 - Women's Aid suggests that participating agencies, who are recording new basic details of families, should do so confidentially using a standard form which requires them to ask if there is any reason why they need to be extra careful about confidentiality (eg if this person is fleeing from domestic abuse or is a victim or witness of a crime).
 - Another possibility would be to require the central agency managing the database to send the resident parent(s) a copy of the basic information entered on the database for their child with a letter asking if the information is correct and if there is any reason (such as domestic violence) for needing to be extra vigilant about ensuring confidentiality.

- We understand that the greatest risk of error occurs when transferring data from existing files into new databases. Putting the youngest children on the database first would reduce the possibility of historic error creeping in, although all children in the qualifying group would need to go on eventually. Another possibility would be to devote more time and resources to checking the entries that contain any flags.

E. The need to limit “flags” on the system:

- There have been suggestions that professionals should be encouraged to put a flag on the system whenever a child or young person appears to be in difficulty eg failing their SATs or becoming pregnant. However, such widespread reporting could deter children and young people from disclosing abuse or seeking help with regard to other sensitive issues such as contraception or involvement in crime. This could also make it harder for social workers to distinguish high risk cases from less serious cases.
- Women’s Aid shares the view that the term “cause for concern” (used in the Children Bill) is far too wide and that there is no common understanding of what it means. We urge the Government to reconsider this urgently.

F. Limiting direct access to the database:

- The danger of information being misused to the detriment of survivors of abuse will be proportionate to the number of people who have direct access to the database. For this reason Women’s Aid suggests that only a few appropriate persons (having passed the highest level of CRB check) should have access to all the information on the database.
- We would also suggest that the Government should give urgent consideration to limiting the number of agencies who have direct access to the database.

G. The common law duty of confidentiality

- Confidentiality is crucial for children and mothers who disclose abuse, because they need to know that this information will be handled sensitively in ways which do not put them in greater danger. They also need reassurance that information will not be shared indiscriminately or irresponsibly.
- For this reason Women’s Aid supported moves to delete the wording in the Children Bill overruling the common law duty of confidentiality and to require the sharing of information to be “consonant with the common law duty of confidentiality”. We urge the Government to consider how the confidentiality needs of domestic violence survivors can be met within the new arrangements for information sharing.

November 2004

Memorandum submitted by the Refugee Children’s Consortium

EXECUTIVE SUMMARY

The Refugee Children’s Consortium is a group of NGOs working collaboratively to ensure that the rights and needs of refugee children are promoted, respected and met in accordance with the relevant domestic, regional and international standards.

Members of the Refugee Members of the Refugee Children’s Consortium are The Asphaelia Project, AVID (Association of Visitors to Immigration Detainees); Bail for Immigration Detainees, Barnardos, British Agencies for Adoption and Fostering (BAAF), Children’s Legal Centre, Children’s Rights Alliance for England The Children’s Society, Families The Immigration Law Practitioners’ Association (ILPA), The Medical Foundation for the Care of Victims of Torture, NCB, NCH, NSPCC, Refugee Council, Refugee Arrivals Project, and Save the Children UK. The British Red Cross, UNICEF UK and UNHCR all have observer status.

Every child matters. Every one. Refugee children are children first and foremost and in every word of every line of every page of the Green Paper we read standards that are to be set for every child, and welcome government’s taking up the challenge to deliver on them to refugee children. It is fundamental to the approach of the green paper that, if you leave some children out, those children will suffer and, moreover, every child will suffer, because the system of protection will fail. The DfES needs to be able to hold other departments accountable to its framework of actions. A good place to start would be in the next legislative session, in ensuring compatibility of all legislation with the outcomes. This is an opportunity to implement the UN Committee on the Rights of the Child recommendations to the UK on the treatment of refugee children.

Very often it is helpful to examine refugee children as members of the different groups to which they belong: very young children; children in families; children in care; disabled children. The Green Paper, and subsequent legislation, needs to deliver for them as members of these groups. They also need to deliver for refugee children as members of groups of children facing disadvantage: for example as children living in poverty.

None of this is to deny that, like the groups of children mentioned above, refugee children have special needs. We are pleased that the Green Paper has singled them out for special attention and hesitate only in that special attention is directed only at the unaccompanied.

Refugee children have experienced discontinuity and exile. Those seeking asylum are living in limbo, and they and, where they have them, their families, face a complex legal process to determine that application, as well as, for those in families, unique systems to address their accommodation and living needs, and unique menaces, such as the threat of detention under immigration act powers. These are called into question by the content of this Green Paper and in our response we have sought to tease out what will need to change in existing systems if the Green Paper is to deliver for refugee children and we are truly to be able to say that we have demonstrated, throughout our legislation and practice, that every child matters.

Our comments and recommendations are as follows (reference numbers are to sections of the Green Paper, with a number followed by a letter used where there is no corresponding paragraph in the relevant chapter of the Green Paper):

2. STRONG FOUNDATIONS

2. A Building on the role of the Panel of Advisors (Consultation Question)

- The distinction between “unaccompanied” and “accompanied” refugee children must be revisited. It fails to identify those children who, although with a person over 18, are separated from their habitual parent or carer.
- Current legislation and practice increase the risks to all refugee children, unaccompanied, separated or in families. Changes to the existing framework are needed, as well as specialised extra support. Proper assessment must extend to all refugee children, not only the accompanied.

2. A.i Assistance through the legal process

- A named guardian should be appointed to a child by an independent statutory body within a strict time period from the date that the child makes their asylum application and before any substantive steps are taken in the determination of that application.
- A person acting as a guardian to a refugee child must be properly experienced, trained and monitored. The system must include a complaints procedure and provision for a child to apply to change the guardian they have been appointed.
- A strict limit must be set on how many children a guardian is responsible for. Whilst it would not be envisaged that a guardian would have regular day to day contact with a child they must be available to the child and easily contactable by him/her, and have sufficient time to build a trusting relationship with him/ her.
- Training and availability must be uniform across the UK.

2. A.ii Befriending, assistance and advocacy

- Separated children require a continuity of assistance, befriending and advocacy from a experienced, trained, evaluated and monitored independent person, that goes beyond the valuable but time-limited service provided by the Panel of Advisors and is properly resourced.

2. B Extended schools (Consultation Question)

- Consideration must be given to ensuring that the development of extended schools does not further disadvantage children whose difficulty is in accessing mainstream education at all.

2.1 Child poverty

- The eradication of child poverty must mean an end to all child poverty, and that includes refugee children. We call for the end of the discriminatory separate system that keeps refugee children in poverty.

2.12 Improving school attendance and behaviour

- We recommend that the Newham Education guidance is publicised in schools across the country, as an example of handling mid-term admissions.
- Segregated education is regressive and discriminatory. The government must ensure that all children have access to mainstream education.

2.14 Raising the attainment of ethnic minority pupils

- The recommendations in Ofsted’s *The Education of Refugee Pupils* (October 2003) should be implemented.
- Schools should be helped to adopt a more holistic approach to education and learning needs of refugee children, with the importance of academic achievements addressed within the wider context of the experiences of refugee children.
- Where a child is with parents or carers, help should be available to enable and encourage those adults to engage in their children’s learning process. They should have access to the full range of resources offered by full service schools.

- Resources such as *In Safe Hands* and *Home from Home*, developed in schools with specialist experience, should be disseminated widely to schools across the country.

2.15 *Special Educational Needs*

- Greater understanding is needed of the special educational needs of refugee children, to establish support systems accordingly.
- The model of assessment used in Enfield has been assessed as cost effective and should be replicated elsewhere.
- All children should have access to mainstream education appropriate to their needs.

2.22 Increasing access to primary health care and specialist health services

- The health needs of refugee children should continue to be examined through the National Service Framework and training, consultation, supervision and support for health professionals working with these children put in place.

2.38 Building Strong and Vibrant Communities

- Refugee children and many others are not being allowed to become part of a strong and vibrant community. We call for clear messages of integration rather than segregation and exclusion, from the Government and properly resourced programmes to support these.

2.44 Ensuring that children are safe

- We reiterate our call for the abolition of the detention of children under immigration act powers, and cite in support the HMIP reports since the 2002 Nationality, Immigration and Asylum Act and the observations of the UN Committee on the Rights of the Child.

2.44a *Tackling bullying*

- Include bullying of children because they are refugees in anti-bullying strategies and resources. Recognise that these resources cannot work in a vacuum: we also need concerted efforts to portray refugees and their protection positively at a national level, including by government and politicians. Such efforts are in short supply.

2.46 *Children and young people suffering from homelessness*

- Separate provision for support for refugees has led to homelessness and to refugee families living in unsuitable temporary accommodation. Refugee families should be integrated into mainstream systems of support.
- The government's pledge that from March 2004 homeless families will not be in temporary accommodation other than in a short term emergency should be extended to cover all families, including refugee families living in B & B accommodation.
- The denial of all support to parents in families of refugee families with no possibility of providing support to children save by separating the family is wholly at variance with the principle of the best interests of the child. Far from being extended, these powers should be repealed.

2.50 *Supporting children entering the country*

- The Home Office's Trafficking Toolkit should be disseminated more widely.
- More child protection police officers should be stationed at ports
- Systems for the regulation of private fostering should be improved, with a special focus on children entering the country.
- The DfES should produce resources, guidance and training for all Social Services on the identification, care and protection of children at risk entering the country, and in particular on victims of trafficking.
- In seeking to ensure that the Immigration Service works effectively with Social Services and the police in child protection of children entering country, the distinct roles and competencies and of the agencies involved must be recognised.
- All children must receive a thorough needs assessment from experienced, trained professionals
- Support for all refugee children should be delivered in accordance with DOH circular LAG 13/2003, and the Hillingdon judgment. "Safe Case Transfer" and other support systems must be judged on their ability to provide support that is in a child's best interests. There must be no a two-tier system of support for unaccompanied refugee children.
- An adequate range of services is needed to cater for the young people who move. Local authorities must be able to plan their service provision and work strategically. They must also be adequately funded to provide the level and type of support required.

3. SUPPORTING PARENTS AND CARERS

3A. Good and quality decision-making by social services (Consultation Question)

- The default setting for support for refugee children under 18 must be, in practice as well as in law and theory, s.17 of the Children Act 1989.
- Refugee children leaving care should receive support under the Children (Leaving Care) Act. Local authorities should receive increased funding from central government to assist them in meeting their legal obligations.

3B. Recruitment and retention of foster carers (Consultation Question)

- Positive images of refugees, promoted nationally, locally and in the context of fostering can help encourage people to come forward as foster parents.
- The knowledge that refugee children have guardians to assist them in the legal process may also give foster carers the confidence that the complex demands of supporting a child through asylum procedures will not fall on them.

3C. Parenting support services (Consultation Question)

- It should be recognised that refugee children in families can be children in need.
- Local authorities need up to date information on refugee children moving into, or within their area.
- Universal services to support parents must be designed to be inclusive of refugee parents. This can work only if refugee parents are not barred from accessing services because they have differing entitlements. Such services can be complemented, although never replaced, by specialist services.
- Support is needed for those who are caring for separated children.

3D. Disabled children: direct payments (Consultation Question).

- Refugee families with disabled children should be able to receive direct payments.

3.9 *Young Carers*

- Appropriate support for refugee parents, and use of appropriate language support by services working with them, can reduce the inappropriate use of refugee children as interpreters.

3.14 Improving fostering and adoption services

- Refugee children need care plans, and support in accordance with these in their best interests. To deliver this, more funding is required.

4. EARLY INTERVENTION AND EFFECTIVE PROTECTION

4A Ensuring that no children slip through the system (Consultation Question)

- Sharing information is not enough. Dramatic differences in rights and entitlements, and the complexity these create, create risks that refugee children to slip through the system
- To prevent refugee children slipping through the net, they must be recognised as children first and foremost, and statutory holes in the net of protection must be closed. Legislation currently before parliament should be used to bring the law on asylum into line with the government's aspirations for child protection and the promotion of children's welfare.
- It is necessary to revisit the question of the extent to which Victoria Climbié's immigration status, and all that related to it, were factors in the failure of services to protect her and learn the lessons from this aspect of what happened to her.

4.4 *The information hub*

- Risks to refugee children of persecution in the country fled, and risks to their family members, must be addressed in designing IRT systems and access thereto.

4.13 Common Assessment Framework

- Refugee children, whether separated or in families, have, at a minimum, suffered exile and loss and are living in uncertainty and limbo while their right to stay in the UK is under consideration. Opportunities must be created to examine the needs of refugee children and their families and to move to further, more detailed or specialist assessment in cases where this is needed.
- Assessments should result in action, and the action assessed as needed should be recorded. The default setting should be that refugee children, who may have little knowledge of the services available nor of their entitlements, should be made aware of the needs identified by professionals carrying out assessments and given copies of relevant assessments.

4.18 Lead Professional

- The lead professional should not be drawn from the Home Office.

5. ACCOUNTABILITY AND INTEGRATION—LOCALLY REGIONALLY AND NATIONALLY

5A Local Safeguarding Children Boards (Consultation Question)

- Local Safeguarding Children boards should have responsibilities toward all refugee children in their area, for whatever reason the children are found there, and in whatever establishment they are living.

5.4 *National Fragmentation*

- The DfES outcomes framework and the best interests of the child principle should provide the framework within which other departments such as the Home Office must operate when dealing with refugee children at all stages of their cases. Compliance by other departments with the framework must be ensured before policies are put into practice or operational changes made, and be monitored.

6. *Workplace reform*

- Clear accountabilities, manageable caseload, and adequate training, support, supervision and remuneration must be complemented by work to promote positive images of refugees, both nationally and locally

November 2004

Memorandum submitted by Northgate Information Solutions

INTRODUCTION

Northgate welcomes the Select Committee's inquiry into Every Child Matters.

Few individuals or organisations could have been left untouched by the news of the tragic death of Victoria Climbié and the profound failure of society to protect her. Lord Laming's report clearly demonstrates that poor information sharing and a failure to take responsibility by any one agency lay at the heart of the system's failure.

Northgate supports creation of a statutory framework for local co-operation between local authorities, key partner agencies and other relevant bodies including the voluntary and community sector to improve the well being of children in an area.

There is a clearly identified need for such measures as: early intervention and effective protection; the introduction of a lead professional responsible for ensuring a coherent package of services to meet individual need; and the use of multi-disciplinary teams based in and around schools and Children's centres.

Northgate believes that the priority for children's services must be to improve front-line delivery and children-centred services through enhancing communications, improving risk management systems, joining up services and encouraging collaboration at a local and regional level through the development of incremental partnerships.

COMMUNITY WELL-BEING AND JUSTICE

1. Whilst government has a duty to improve and protect children's quality of life, we all of us have a responsibility to do so for the future well-being of society as a whole. If children are to be safe and secure in the future we need to promote community justice and well-being. A safe and secure community promotes social cohesion and economic progress as the guarantors of sustainable long-term success. The foundation of community well-being is community justice in its broadest sense.

2. Community justice—in the sense we use it—promotes social inclusion and enforces the administration of civil and criminal justice to ensure that everyone regardless of their experiences and circumstance can achieve their potential in life. As the Centre for Economic and Social Inclusion states: "To achieve inclusion income and employment are necessary but not sufficient. An inclusive society is also characterised by a striving for reduced inequality, a balance between individuals' rights and duties and increased social cohesion".

TECHNOLOGY AND PUBLIC SERVICES

3. New technology has the potential to drive through future radical improvements in children's services but only where people are placed at the heart of new and existing systems. This is not only about placing children at the centre of the system but also prioritising, preparing and energising front-line staff and enabling them to make a real impact.

4. Technology should be first and foremost about serving people and about tackling problems within their local communities, enhancing relationships and improving communications. New technology is no panacea for bad communications. Communications can't be improved by simply buying new "idealised solutions which are difficult to implement in practice. There needs to be an end to 'technology for technology's sake'". Technology is constantly on the move. It's the social problems that are deeply embedded.

5. New technology adds value when it provides the best practical solution and enhances relationships between people. New technology can assist in managing scarce resources and in joining up services. Our experience of working within public services is that information technology is too often seen as an end in itself rather than a means to an end, with political imperatives being the driving force rather than citizens. Technology should assist in reducing bureaucracy to allow public authorities to focus on serving the citizen.

PREVENTION AND RISK MANAGEMENT

6. In the past, children and their communities have been let down by the fact that local service providers do not share intelligence and information in a timely and cost effective manner and failed to connect with their communities in delivering permanent change.

7. Partnership, prediction and prevention are crucial to improving children's services. The real core to prevention is ensuring timely information, accurate analysis and improved problem solving and investigation to ensure that speedy action can be taken by the relevant agency.

8. The Green Paper proposed the development of local information sharing systems. Every unitary and county council has been allocated funds to develop information sharing and to have a project manager with specific responsibility for the development and implementation of identification, referral and tracking projects.

DATA MATCHING DIFFICULTIES

9. Whilst there are clearly resource and highly complex and legal data protection issues, associated with this proposal, on a much more practical basis the difficulties of matching data should not be underestimated. An information hub is only as effective as the quality of its information. And poor quality of data matched with poorer quality of data compounds the problem of information sharing. A match rate between two different data sets is rarely more than 70%. The bigger the data sets the bigger the problems that are compounded.

10. The government proposed to remove technical barriers by defining a single identifying number to support electronic transfer building upon existing identifiers such as the NHS number. Yet according to media reports, when Hammersmith and Fulham council came to match its data with local NHS data it found a 48% mismatch.³⁷ Similarly local authorities have found the task of establishing local land and property gazetteers—creating a master from different local held address based datasets—far more time consuming and far harder than ever anticipated. To date 256 local authorities are signed up to the National Land and Property Gazetteer.

MOVING FORWARDS THROUGH INCREMENTAL CHANGE—ADOPTING A MODULAR APPROACH

11. Although ultimately desirable a one size fit to IRT would appear to be impractical at the present time. More worrying still is that undue focus on developing new organisational structures and introducing new systems, may take the focus away from what we believe must be the priority—improving frontline services.

12. Northgate considers that the government should encourage local services to adopt a modular approach to IRT with each element being viewed as a distinct part. This will give local agencies greater flexibility, allowing them to employ a "plug and play" approach.

13. For many local agencies, the NHS will not necessarily be the natural identifier. IDeA states that 80% of all datasets use addresses as a key reference so some agencies are likely to be better placed to perform matching against addresses in the first instance. What is essential is to ensure that any modular approach is flexible enough to work with multiple identifiers.

NATIONAL INITIATIVES AND IMPROVING FRONT-LINE DELIVERY

14. Our concern is to combine local flexibility with an effective national response. The green paper proposals in relation to identification, referral and tracking, however rational they may appear on paper, are likely to take a long time and be difficult to achieve. In the meantime some local authorities are delaying taking action and the government has suggested that they should wait before investing in IT for the results from the IRT trailblazers. These will not be released until the end of 2004. Yet local authorities should be

³⁷ *Computer Weekly*, 11 November 2003.

beginning to take some action now. A national approach without strong leadership from government to support local initiatives may encourage lack of immediate action by local services who are waiting for national solutions.

15. Our belief is that if we are to enhance front line delivery and children's services then government must provide clear and strong leadership which promotes innovation at a local level; practical collaboration between agencies; and incremental change and partnership based on the notion of continuous improvement in improving the outcomes for children.

16. Government should use a number of levers to encourage practical implementation and reduce the implementation gap that exists between national policy and local services including, for example, using procurement as a means of encouraging greater collaboration.

ENCOURAGING COLLABORATION

17. Government needs to provide clear leadership in encouraging local and regional schemes and incremental partnership both between public authorities and with the not for profit, voluntary and private sectors.

18. Collaboration is an essential part of encouraging innovation at both a national and local level. At its best, collaboration encourages an open learning environment where people can experiment, learn from experience and share information to help drive through continuous improvement to add to the public value. Collaboration should be based on recognition of what works well and what needs changing. There is both a need to build and share best practice as well as to identify and solve problems relating to national and local issues.

19. Our experience is that IT projects are delivered well, but that overall programmes are often delivered badly. Too little consideration is given to the joining up of systems and the impact of new working methods on communication—to employees, to public service users or the general public. Only if the relevant change management strategies have been put in place can technology add value to services. Prior to new services being introduced, staff need to be prepared, the impact on service development analysed and planned and pre-emptive measures put in place to deal with any new demand. This is particularly important in relation to service development issues.

20. Many agencies are pressed to deliver and collaboration may require investment in time, resources and effort. That is why government needs to promote measures which offer practical opportunities for collaboration. For example, through the procurement process.

JOINING UP BACK OFFICE SYSTEMS

21. We believe that local agencies could refocus their activity and improve front line delivery of children's services by establishing more joined up delivery of back office systems. All too often, individual authorities are failing to develop economies of scale by not joining together to purchase back office systems from suppliers, wasting public money on individualised procurement processes.

22. Identifying synergies and partnerships for aggregating demand within communities based on geographic boundaries, or for multiple agencies operating across issues such as children's services where responsibilities are shared by different public authorities, makes sense. Increasingly a multi-agency approach is necessary for tackling a wide range of public service delivery issues including children's services, tackling anti-social behaviour, preventing crime and promoting public health. Government needs to take a far greater lead in encouraging and stimulating collaboration and cultural change within public authorities. Collaboration can sometimes sit uneasily with the government's desire to promote trailblazing.

23. We welcomed the National Strategy for procurement for local government which identifies a range of actions that local authorities should take to improve procurement and to encourage partnership. We believe that there is a need for government to stimulate further action for aggregating demand between multiple agencies responsible for delivering joined up services for citizens. For example, promoting the establishment of e-procurement brokerages within the public or not for profit sector.

24. Far greater use should be made of independent accreditation and the use of approved reference sites to encourage collaboration. The reference site is typically used to validate the supplier's claims about service delivery. It is rarely used as an indicator to judge real business impact and benefits. Some public authorities are already delivering radically improved integrated children's services. These achievements could be built upon, using the procurement process as a means to identify best practice and to facilitate speedier procurement.

25. Secondly, public authorities do not currently give full recognition to the potential or consequential savings or service improvement. They will use a comprehensive "whole of life" cost evaluation of the competing bids, but are not mandated to take into account the impact that different proposals might have in improved citizen service. Whilst the Local Government Act 2000 allows local authorities to account for community well-being, in Northgate's experience this is not widely used by authorities and is not available to some other public authorities.

INCREMENTAL PARTNERSHIP

26. The government rightly wants a joined up approach for children's services at a local and national level. Far from undermining joined up government, encouraging collaboration and partnership at local and regional levels between public sector authorities and with the not for profit, voluntary and private sectors should strengthen it. Key to this is to recognise the value of incremental change and partnership. Incremental investment and a measured pace to change is increasingly recognised to be a more effective method of transformation than the big bang approach.

27. Incremental change is change within the box of what is known in order to strengthen and improve what currently exists through a series of defined steps. An effective incremental partnership will enable a progressive relationship—based on trust and confidence—to flourish. The pace and of change can be dictated by stakeholder concerns and resource issues. So for example, the pace may be quickened as the relationship grows. Incremental partnership offers organisations step changes in service provision without comprehensive commitment and with lower risk. It means working with partners normally on a long term basis without an all-inclusive arrangement. And it allows organisations to build up confidence with partners, working with them to change existing processes, but without the expense and risks associated with a big bang approach.

CONCLUSION

28. Prediction, prevention and partnership are crucial to delivering improved children's services within local communities. Poor co-ordination between agencies and a failure to share information are critical areas that clearly need to be resolved, and a partnership approach to these are vital. We hope that the government's bill will pave the way to allow flexibility and innovation at a local level, whilst working to implement a national strategy that safeguards our children and protects them against a postcode lottery.

ABOUT NORTHGATE

Northgate is a technology services company with a difference. It is committed to high quality public services and understands the public sector. That knowledge is core to its business.

Northgate's task is to enhance public sector value through intelligent use of people and information technology systems and to share in the economic and social benefits that this brings.

Northgate assists the fire and rescue service, local authorities and the police to promote community well-being by helping them provide citizens with accessible and responsive one-stop services based on clear and accurate information.

November 2004

Memorandum submitted by the National Association of Head Teachers

1. The National Association of Head Teachers (NAHT) recognises and supports the five aims contained within *Every Child Matters*. The Association would wish to see these aims furthered through the joint working of all services involved with children and young people.

2. It must be recognised that, whereas health and social services may be involved with children on a needs-led basis, education is a universal service. This needs to be recognised in the overall outcomes of the proposed reforms.

3. There is an overall willingness on the part of staff to integrate, but current systems and regulations can prove to be barriers. There is also a problem with shared understanding, or lack of it. In its response to both *Every Child Matters* and *The Children Bill*, the Association has stressed the need to establish a common language, a shared understanding between all the services concerned. Without this, we run the risk of perpetuating the lack of joined-up approach that can bedevil our work with children currently.

4. Services which are essential to delivering the aims work under different guidelines with confusing and sometimes conflicting definitions of what is possible and/or even desirable. Clear and mutually acceptable definitions of what is acceptable practice must be established to enable multi-agency working to operate effectively and flourish. Voluntary agencies must be seen as part of the overall picture, rather than an "add-on".

5. Recognition needs to be given to the fact that, despite there being a willingness to integrate, there does exist within all the services an inherent mistrust of the other services involved. This is based on past experience, myth and legend! It is sometimes seen by some of the services involved that, rather than being under a duty to co-operate, other services are under a duty NOT to co-operate. However, this will need to be faced and dealt with to ensure the desired outcomes for all children become a reality.

6. Pooling of budgets may well prove to be a necessity across the Authority's services to facilitate rational integrated working. It is also essential that clarity is established as to the routes for access to available funding. This will help ensure that collaborative working is at an optimum level, within the realms of all legislation.

7. The Association's recent paper on the 0—4 agenda, a copy of which is attached to this evidence, outlines the Association's position on many of the areas detailed in the Committee's request for evidence. Although written specifically with the 0—4 agenda as its theme, the issues raised are generally of universal application and should be seen as part of this evidence to the Committee.

8. The issues of training, team-building and leadership are of paramount importance. To ensure that integrated working is established and enabled, those delivering this on the ground need to see the necessity and the benefits to the children they serve. This will take time and resources.

9. The recent Ofsted report on Early Excellence Centres, June 2004, highlighted key features with regard to excellent provision. It is worth noting that one highlighted area was that of "breaking down the barriers between different groups of staff, amalgamating groups of staff into a cohesive team that shares common goals, induction and training to manage other services". It is clear that this must apply across all children's services for the integrated services delivered to be excellent, and to achieve the desired outcomes for children.

10. It is often the case that policy makers do not fully appreciate that initiatives move slower at grass roots level than one might wish. Policy deliverers need to be given time to take on board the changes required, the benefits that will come from the changes and their part in the whole plan. Only then will the changes begin to take practical effect.

11. The document, *Every Child Matters*, stresses throughout the need to improve parenting skills. Schools continue to work to strengthen and develop the links between parents and their own children, and between parents and the school community. We must be careful, however, that in seeking to improve the access to childcare to enable return to work for some parents, we are not negating the work done on improving parenting skills.

12. Handling the rights and responsibilities of parenthood can often be difficult and parents may sometimes need support. This support may be more appropriately delivered by one service rather than another or by joint working. It is important that all the services involved work together to develop a coherent approach that is relatively straightforward for parents to access and does not create unnecessarily bureaucratic systems. Work currently going on with regard to the Common Assessment Framework may facilitate this.

13. Record-keeping across all the different services varies enormously and access issues with regard to these records must be resolved. Needless to say, this will bring issues of confidentiality to the fore. Mutual trust across the services will need to be established. It may well be that information sharing protocols will need to be established.

14. It is true to say that schools sometimes feel "left out of the loop" in terms of information and record sharing. What would be useful, sometimes vital, information with regard to a particular family may be withheld from the school on the basis of perceived confidentiality—a need-to-know basis and the school was not seen as needing to know. This is not helpful with any child. It is particularly unhelpful with vulnerable children.

15. To ensure that the desired outcomes are achieved for all children, it is essential that sufficient time and resources are set aside to deal with issues and challenges as they arise. A culture change of this magnitude will not be achieved overnight—nor even solely by legislation. All those involved must be convinced of the benefits and given the right tools to make the changes work on the ground and thus permeate the whole children's services system.

The 0—4 Agenda

1. INTRODUCTION

1.1 The Government has indicated a clear desire for primary school heads to take the lead in pushing the education and childcare agenda nationwide.

1.2 There has been a significant increase in childcare and early years provision during the last seven years. Sure Start programmes, Neighbourhood Nurseries, Early Excellence Centres (now Children's Centres) and Nursery Education expansion have led the way.

1.3 The arguments in favour of high quality education and child care for the very young are overwhelming. Social skills need to be enhanced. Behaviour has to be improved. Readiness to access education must be supported. Poor parenting should be reduced. Good foundations laid pre-school will pay dividends in the primary and secondary years.

1.4 Children's Centres are "spearheading" part of the government's programme. They serve disadvantaged communities and offer good quality early education combined with full day care provision for children. A minimum 10 hours a day, five days a week, 48 weeks a year is the pattern. In addition the

Centres cover learning development, parental outreach, family support, child and family health services, support for special needs, links to the Job Centre, local training providers and FE/HE institutions. They act as a service hub within the community for parents and child care service providers, as a base for child minder networks and as a link to local Neighbourhood Nurseries, out of school clubs and extended schools.

1.5 Sure Start also spearheads part of the programme. It is designed to improve the health and well being of families and children before birth to the age of four. Its Neighbourhood Nurseries programme aims to ensure that deprived families have access to affordable high quality care.

1.6 Childcare places are defined to include places for pre-school children in day nurseries or with childminders which last four hours or longer per day; places for children receiving nursery education which, combined with the nursery education, last at least four hours per day, and places for statutory school age children aged up to 14 (16 for those with special education needs or disabilities) in breakfast or after school clubs or with childminders for any length of time, or in holiday play schemes of four hours or longer per day.

1.7 In addition, the Government also provides a guarantee of a free nursery education place for every three and four year old whose parents want one. A nursery education place consists of a minimum of five two and half hour sessions per week for 33 weeks of the year.

1.8 The challenge is to expand the existing provision into communities and geographical areas where education and childcare do not “go hand in hand” or where provision is patchy or lacking in quality. As the Prime Minister said at our Annual Conference, “a nationwide universal early years service for under fives based around the personal needs of each child and their parents. Primary schools will have a crucial part to play, alongside other partners.”

This seems to imply that any school could provide any one or more of the full range of services for child and family support in addition to education 3+, as provided by Early Excellence Centres and Children’s Centres.

2. PRE-SCHOOL PROVISION

2.1 There is already considerable diversity. This is to an extent caused by the way government and local education authorities have funded pre-school provision. But it also results from a pragmatic need to reflect the individual circumstances surrounding schools and their communities.

2.2 There are a number of issues that need to be addressed:

2.2.1 *Funding*

Substantial funding will be needed to provide suitable premises for the 0–4 age range, access to appropriate outdoor space for physical and other outdoor activities in order to take account of the full range of services that will be delivered on the site.

- Existing funding streams are varied, eg New Opportunities Funding which is based on the Deprivation Ward Index/Post Code. Single Regeneration Budget money. DfES project resources.
- Too much resource “sticks to the sides” and is swallowed up by LEA administration.
- The private sector is a significant competitor. It seeks to make a profit for itself. The maintained sector seeks to “break even” or make a “profit” that it ploughs back into overall provision. There is no “level playing field” with business. There is a “yawning gap” (ie lack of provision) between high class nurseries (fees paid by parents) and free places under Sure Start.
- A school cannot set its delegated budget for childcare. If it does it runs the risk that the budget will be removed.
- Although falling rolls should provide an opportunity for some schools to make use of surplus accommodation, there will be a real demand for capital spend. Primary schools have nothing equivalent to Building Schools for the Future.

2.2.2 *Planning*

There is a confused picture in many local authorities with many different practices. Schools compete with private providers. Lack of coordination and liaison can lead to waste. Heads can be put off by this “minefield” and by the complexity of funding streams.

Diversity is inevitable and appropriate. Good practice needs to be “spread round the system”. But there has to be a National Strategy with each LEA having an Early Years Plan upon which government funding should be based and upon which LEAs can assist with the provision of places. Thereafter LEAs should leave it to heads to lead, to appoint the staff and to manage the operation. Bureaucracy and red tape must be cut out.

2.2.3 *Workforce*

There is a workforce shortage in all areas re universal roll out. Qualifications may need to be developed at all levels to take account of multi-agency joined up working. The quality of staff is crucial. Appropriate training and qualifications will be relevant issues for the full range of staff including: qualified teachers with early years expertise; early education practitioners; support staff; childcare; social services; health

professionals; speech and language therapists. Colleges already provide training places. Pay, conditions of service, appraisal and CPD for all services will be key elements as well as Workforce Remodelling and imaginative use of ICT.

2.2.4 *Extended Provision*

Ten hours a day and 51 weeks a year opening is not unusual. Part time placements (morning or afternoon) are becoming outdated. More and more parents want 8am to 6pm provision. Working Tax Credits are playing a part. Youth Clubs, Holiday Play Schemes, evening and weekend coverage, Breakfast Clubs and Before and After School Clubs are expanding.

The Children Bill, with its Children and Young Persons Boards and Children's Trusts will have a major impact.

2.2.5 *Special Educational Needs*

Early intervention is crucial. Support for parents early on (eg Downs Syndrome) would make a real difference. Collaboration with Special Schools and the extended use of SENCOs are also factors.

2.2.6 *Admission Policies*

There is a wide disparity of practice across LEAs regarding admissions for three and four year olds as well as nursery provision. All infants should receive full time education in Reception year (and years one and two) plus part time education in the preceding year. This would raise levels of attainment.

2.2.7 *Good Practice*

The Government is committed to research informed practice. It will want to look at "why" effective practice is effective, what will make effective practice transferable and how best to build on what is already there. Flexibility will be needed to accommodate a wide range of situations. This will lead to greater complexity within the system. Expanded leadership teams and increased administrative support will also be essential. The development of a workable multidisciplinary inspection framework that does not increase bureaucracy will be eagerly anticipated.

The recently published Ofsted report *Children at the centre: An evaluation of early excellence centres*, June 2004, highlights main findings and recommendations that will be equally applicable and relevant to the role for schools, school leaders, LEAs and governing bodies in developing the birth to four agenda.

Key features and points to note for effective provision:

- Centres are challenging to lead, manage and organise, and their success rests on the quality of response to this challenge.
- Significant headship experience and leadership that is good or better.
- Commitment to inclusive setting for children, parents and families.
- No blueprint for what could/should be provided, each developing to meet the needs of the community.
- A strategic plan and high levels of expertise.
- High quality of leadership with rigorous, regular evaluation and thorough systems for monitoring the services provided.
- Staff contribute well to the process of self-evaluation across all services.
- Clear sense of direction for all aspects of the services provided, the ability to inspire, a strong commitment to raising achievement, identify right priorities and take action.
- Clear responsibility for work and performance, establish clear staff roles and line management.
- Delegated resources and sustainability of funding.
- Designated link officer with LEA clear about their role and good levels of local authority support.
- Centres had extensive building programmes and significant redevelopment of outside areas lasting one–two years.
- Breaking down barriers between different groups of staff, amalgamating groups of staff into a cohesive team that shares common goals, induction and training to manage other services.
- Secure links between staff performance objectives and training and the centre's priorities and high quality professional support and staff training.
- Effective governing body or management committee with clearly defined roles.
- Strong working links and partnerships with agencies and other services.
- Actively sought representation of different agencies on their management committee or governing body as a significant factor in the degree of interagency collaboration that has been achieved.
- Managers from their main services on the senior management teams and good opportunities to senior staff to work across different sectors.

Centres are most effective where services already existed and they have not had to struggle to accommodate a deluge of new initiatives but have been able to build effectively on existing services.

Interaction between voluntary and maintained sectors has raised particular concerns if there is a conflict for the voluntary sector between maintaining viability and the purposes and aims of the programme.

3. CONCLUSION

Policy makers at every level will need to consider all the above issues if schools are to be enabled to play their full part in this agenda to develop good universal services for under fives based around the needs of each child and their parents. Strategic planning and funding will be crucial in the short, medium and long term. The programme will be highly complex and is not cost neutral.

NAHT believes that many heads want to embrace this agenda providing challenges listed above are met.

November 2004

Memorandum submitted by the Children's Society

1. INTRODUCTION

1.1 The Children's Society is a national children's charity working with around 50,000 children and young people in 90 projects across England. Our projects provide a wide range of services in communities and work with a wide range of children and young people including young offenders, young refugees, disabled children and young people and children and young people at risk on the streets. We seek to involve these children and young people in decisions that affect their lives; to provide opportunities for their voices to be heard and to work with them in campaigning against the injustices that they face.

1.2 This memorandum is informed by our practice experience, consultations with children and young people about Every Child Matters and our policy and research.

1.3 The Children's Society responded comprehensively to the consultation on Every Child Matters and Youth Justice: Next Steps and we attach our Summary of Recommendations for the Committee's information and consideration.

1.4 The Children's Society is also a leading member of the Refugee Children's Consortium which has also made a separate submission to the Committee's inquiry highlighting the gaps in the Children Bill and the impact of the Every Child Matters reforms for refugee children.

1.5 The Children's Society is a member of the Interagency Group, that includes the Association of Directors of Social Services, Local Government Association, Association of Chief Education Officers, the NHS Confederation, SOLACE and many children's charities. We have valued the opportunities to contribute to the Green Paper consultations through that group, and are signatories to the group's joint statements.

1.6 All references to the Children Bill provisions relate to the Bill as it entered the House of Commons—Bill 144.

2. THE EVERY CHILD MATTERS AGENDA

2.1 The Children's Society welcomes the vision for reforming children's services set out in *Every Child Matters*. We commend its scope and its ambitions for improving protection for all children. The philosophy that "Every Child Matters" is, in itself, a landmark policy commitment for government, because it means that each and every child, no matter what their history or current behaviour, no matter where they come from, or what their capacities, is a child for whom safeguarding must be a priority.

2.2 We also greatly welcome and support the key themes of the Green Paper:

- That the foundation upon which an effective system for safeguarding children must be built, is the provision of good quality, accessible, universal services for each and every child, young person, parent and carer.
- That all policy- and decision-making, funding, commissioning and professional practice should be coherently focused on a common set of outcomes to be achieved for all children and young people.
- That effective and efficient joint-working is the key to achieving those outcomes.
- That accountability for the safeguarding of children and young people, and for the delivery and quality of services to which they are entitled, must be clear and robust.

2.3 In its detail, the Every Child Matters agenda primarily offers proposals for ensuring that "every child matters" within services for children. This is one of the most important and most obvious places to start on a programme of reform for children. We do not underestimate the scale of the task if the reforms are to be

achieved. However, there are other important elements of a comprehensive strategy for children. Without a central “vision” and set of principles for children, many of the conflicting ways in which children can be seen and treated by different professions and groups in society may be perpetuated.

2.4 The UN Convention on the Rights of the Child sets a clear standard for how children should be understood, respected and treated. We find the paucity of any reference to children’s human rights under the UN Convention conspicuous and disappointing. The UN Convention must be the “benchmark standard” for the work of the proposed children’s commissioner, as all other children’s commissioners have found to be essential. But we would also want to see this government, as a champion of human rights on the international stage, actively embrace and promote a modern vision of children in this country, as people who have human rights, freedoms and dignity in their own right. As a signatory State to the Convention for over 10 years, it is time the UK government made clear its commitment to making children’s rights a reality, by tying new policy and reform for children to their rights to protection, provision and participation. During debates on the Children Bill, the Government rejected amendments that would have provided this commitment across Government in statute.

3. EVERY CHILD MATTERS?

3.1 In his introduction to the Green Paper, *Every Child Matters*, the Chief Secretary to the Treasury, Paul Boateng states:

“Child protection must be a fundamental element across all public, private and voluntary organisations. Equally we must be ambitious for all children whoever they are and wherever they live.”

One of the key tests of the new reforms must be whether they deliver for all children. There are four areas in particular, however, where we find the Government has failed to identify the need and potential for more radical reform.

3.2 Every Child Matters promotes joint working, information sharing and stronger lines of accountability based on new duties to co-operate (clause 7), and to safeguard and promote welfare (clause 8) but there is a distinct lack of join-up with key agencies which puts the whole agenda at risk. In relation to refugee children and children in trouble with the law in particular we are concerned that the immigration and crime and disorder policies and laws are sitting in direct contradiction to the Every Child Matters agenda. In relation to what is happening on the ground, some have suggested that the “zero tolerance” approaches to management in the social housing sector and the impact of children of the anti-social behaviour agenda are a fundamental threat to the effective implementation of the philosophy of Every Child Matters³⁸.

3.3 Refugee children: We had welcomed the Every Child Matters agenda and understood if only by its very title, its reforms to apply to refugee children just as much as for any other child. However the Children Bill has disproved this understanding. Further, *Every Child Matters* highlights unaccompanied children for special attention, identifying them as the most vulnerable children and yet the Children Bill offers nothing by way of increased protections for those children.

3.3.1 We are extremely concerned and disappointed that about the exclusion of critical services responsible for the welfare and support of refugee children and their families are excluded from the new safeguarding framework proposed by the Children Bill and specifically from the otherwise exhaustive list of those to whom the new duty to have regard to the need to safeguard and promote the welfare of children in discharging their normal functions applies in Clause 8 (Bill 144).

3.3.2 We have lobbied consistently with the Refugee Children’s Consortium for the inclusion of immigration officers at ports of entry, managers of immigration removal (detention) centres and the National Asylum Support Service in clause 8. Their exclusion and the Government’s refusal to move appears to run counter to the Every Child Matters agenda and Government intentions as set out in both the Green Paper on Children at Risk, *Every Child Matters*³⁹ and the recent *Every Child Matters: next steps*⁴⁰ as well as Ministerial commitments given in the Lords that its wording includes all children. The Baroness Ashton stated:

“noble Lords can rest assured that the wording of the Bill covers all children. There are no exceptions; noble Lords would not wish it otherwise, and neither would I.”⁴¹

We draw the Committee’s attention to the most recent report of the Joint Committee on Human Rights which criticised most strongly the exclusion of refugee agencies from Clause 8 and states:

“We conclude that the exclusion of immigration/asylum agencies from the scope of the new duties and arrangements is unjustifiable discrimination against such children on the grounds of nationality.”⁴²

³⁸ Social housing providers, social work departments and anti-social behaviour: arguing and acting from different premises?, Crime and Society Foundation Seminar, London University, 9 November 2004.

³⁹ *Every Child Matters*, CM. 5860, September 2003.

⁴⁰ *Every child matters: next steps*, DfES, 4 March 2004.

⁴¹ Hansard House of Lords Official Report, Vol 660 No 77, Tuesday 4 May 2004, Col 1086.

⁴² Joint Committee on Human Rights, Nineteenth Report of Session, 2003–04, HL Paper 161, HC 537, para 97.

3.3.3 Improving access for all refugee children (whether unaccompanied or in families) to mainstream health and education services is essential if their needs and possible concerns for their safety are to be identified as early as possible. Refugee children and their families can experience difficulty registering with GPs and, when registered, in accessing primary and specialist health services. Because of the impact their experiences may have had on their physical and mental health, this can have serious and even life threatening consequences. Refugee children have been recognised in the National Service Framework as being “children in special circumstances”, which is welcome. This recognition should be mirrored by Local Children’s Safeguarding Boards.

3.3.4 Refugee children continue to be contained under immigration act powers. Detention centres cannot afford children the care and protection they need, nor uphold their rights under UK and international law, including human rights law. In particular, detention breaches the child’s rights to freedom, to a normal social life, and to education. The impact of detention on children cannot be underestimated. Provision for play, education and health facilities are limited, and children suffer physically, mentally and socially.

3.3.5 The detention of children will always raise serious child protection concerns. Recent statistics⁴³, showing a six-fold increase in the number of children detained from December 2003 mean that now more than ever refugee children being detained need to be protected. Safeguarding children from harm and neglect is the principle that lies the very heart of the Every Child Matters agenda and the detention of children flies in the face of this aim. HMIP has raised many concerns about the detention of children in a number of centres. HMIP recommends that there should be an independent assessment of the welfare, developmental and educational needs of each child in detention, carried out as soon as practicable after detention and repeated at regular intervals to advise on the compatibility of detention with the welfare of the child and to inform any decision on the necessity for detention, or continued detention⁴⁴. In its most recent report on Oakington, this recommendation is reinforced. This is an urgent but basic child protection measure that the government has failed to implement.

3.4 Youth Justice: We are very pleased at the inclusion of youth offending teams, prisons and secure training centres in the new duty to make arrangements to safeguard and promote the welfare of children (Clause 8) and view this as a positive response to addressing concerns about the treatment and care of children and young people within the criminal justice system. However, vulnerable children have been, and continue to be, placed in prison custody who are known to be at risk of coming to harm there. Although they are included under the new duty, neither Youth Offending Teams nor prisons can change decisions on placements of children in prison custody, even where it is evident to them that the placement is inappropriate because of the risks faced by the child. This remains a major gap in the safeguarding system.

3.4.1 The youth justice system (and the prison system in particular) is one in which children have died on an unacceptably regular basis, many more self harm, and face on-going, serious risks to their health and well-being. A high proportion of children and young people in trouble with the law come into the youth justice system with histories of abuse and neglect, suffering the consequences of systematic failures to meet their protection and welfare needs.

3.4.2 If the “Every Child Matters” philosophy of spreading and sharing responsibility for safeguarding children’s welfare is to be achieved, the youth justice system must be recognised as a site of well-documented shortcomings in respect of child protection.

“Young people in YOIs (Young Offender Institutions) still face the gravest risks to their welfare, and this includes those children who experience the greatest harm from bullying, intimidation and self harming behaviour. (Para 8.19 Safeguarding Children Department of Health 2002:72)

“The work of YOTs (Youth Offending Teams) was detached from other services, and there was only limited evidence that they were addressing safeguarding issues. The focus of their work with young offenders was almost exclusively on their offending behaviour, and did not adequately address assessing their needs for protection and safeguarding.” (Para 8.20 Safeguarding Children Department of Health 2002:72)

3.4.3 If every child really does matter, public and professional confidence in the child protection system must mean that we allow no identifiable holes in the safety net to go unaddressed. The youth justice system represents to us not an accidental hole, but a deliberate tear in the safety net for children and young people. The only way to address the structural and cultural barriers to effective protection in the youth justice system is to undertake a fundamental review of the way in which we treat children in trouble with the law—in our response to Youth Justice: the next steps, we provide more detail of our recommendations.

3.4.4 The Children’s Society recommends that:

- Children’s welfare and protection should be the paramount consideration in response to all children, including children within the youth justice system. At the very least the Crime and Disorder Act 1998 should be amended to ensure that the statutory aims for everyone working in the youth justice system explicitly include the safeguarding of children’s welfare. This would bring the law in England and Wales in line with that in Northern Ireland.

⁴³ Home Office show that on 26 June 2004 Home Office Asylum Statistics: 2nd Quarter 2004.

⁴⁴ An Inspection of Dungavel Immigration Removal Centre, October 2002 HMIP p 7.

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- Any young person who is at the stage of being involved in criminal proceedings should be considered to be a child “in need” under section 17 of the Children Act 1989, and many are in need of protection, under section 47.

3.5 Teenagers

3.5.1 Our longstanding experience in working with young people at risk in troubled and dangerous circumstances, for example those who run away, has been that existing child protection systems and practices do not generally respond as well or as rapidly for teenagers as they do for children and infants. In many such cases, the fact that the young person is nearing 16 means a new referral will not be a priority for the stretched resources of the social work teams. In some cases, the young person’s own behaviour, such as involvement in drug dealing, dependence or self harm, are what put them at the most immediate risk, and the traditional child protection “paradigm”, which tends to focus on abuse or neglect by a third party, can find it difficult to provide an appropriate response.

3.5.2 We find that many young people facing significant stress, abuse or neglect at home create their own strategies for changing, escaping or coping with their situations. These can include running away, living with older friends or sexual partners, becoming pregnant, heavy drug and alcohol use, self-harm, or even suicide. These strategies are also employed by some young people with no background of abuse or neglect at home, but who come to be at risk through trying to cope with stressful and emotionally traumatic events, such as bereavement, bullying, persecution, exile or reactions to them coming out as gay, lesbian or bisexual. Other young people find themselves under the negative influence of particular friends or partners, which encourages them to take significant risks with their own health and safety. In many such respects, the child protection system, its tools and current practices, are poorly equipped to protect a young person whose problems do not necessarily revolve around the quality of parenting at home. To add to the challenges for the child protection system, many such young people feel old enough to make the critical decisions about their own safety, and “vote with their feet” by disengaging from services if they do not get the responses they need.

3.5.3 In our practical experience, statutory responses to these risks are usually poorly thought out, are too slow to respond to immediate risks, and consideration of mechanisms for responding to such risks is often entirely left out of ACPC planning. We urge the government to consider requiring Local Children’s Safeguarding Boards to pay specific and equal attention to the safeguarding of young people, children and infants as three distinct groups, as part of their overall remit. Safeguarding children and young people is a much wider remit than protecting them from familial abuse and neglect. There is an urgent need to clarify the position of 16-17 year olds in respect of their rights to support and protection, and how appropriate responses and resources can be assured for them.

3.5.4 If the new Boards are to make sure they are able to fulfil their remit for all children and young people, we believe there is a need to look more closely into the very wide range of risks faced, across the age spectrum, and the diverse situations in which children and young people face those risks. The need is to make the system fit to respond to the situations faced by each child or young person at risk, and not to have to find ways of making the young person’s needs fit into a system primarily focussed on protecting younger children.

3.6 Disabled children and young people

3.6.1 We welcome the current move to develop a “change for children” programme across Government and in the implementation of both the Every Child Matters reforms and the National Service Framework. The integration of reforms is of particular importance to disabled children for whom the NSF is broadly far-reaching and positive.

3.6.2 There is no commonly agreed “definition” of a disabled child across all agencies, neither are there agreed methods for collecting information about the needs of disabled children. This makes it difficult to plan for either universal or targeted services or evaluate whether services are currently meeting the needs of disabled children. The development of an information hub through the establishment of information sharing databases provides the opportunity to agree a common definition to be used across all agencies but there is also a need for legislative change in this area.

3.6.3 Disabled children and young people are particularly vulnerable to abuse. We know however that abuse of disabled children has been traditionally underestimated and underreported⁴⁵. The National Working Group on Child Protection and Disability⁴⁶ recommended in 2003 that a national strategy be developed to improve the way the child protection system works for disabled children. The report stressed the importance of social workers being given enough time to undertake assessments of the wishes and feelings of disabled children:

⁴⁵ Morris J, [1999] Disabled Children, Child Protection Systems and the Children Act 1989, Child Abuse Review 8: 91–108.

⁴⁶ Co-chaired by the Council for Disabled Children and the NSPCC.

“Existing child protection systems and procedures often do not allow for the additional time that is required to carry out a high quality assessment involving a disabled child. If time is short, it is more difficult to gather information from a number of different sources about how to ascertain the child’s “wishes and feelings”.⁴⁷

3.6.4 We welcome the new statutory rights created by the Children Bill for children and young people to have their wishes and feelings taken into account in assessments of need under the Children Act (clause 45, Bill 144 and Commons amendments 61 & 62, HL Bill 124) and child protection investigations (Commons amendment 63, Bill 124); this will especially improve the situation of disabled children who are least likely to be appropriately included in decision-making.

3.6.5 In order to promote disabled children’s rights and protect them from abuse, we believe that there needs to be explicit commitment to addressing disabling barriers and meeting needs relating to impairment. There needs to be a more robust approach to disabled children’s entitlements under existing legislation. For example, disabled children’s entitlements to assessment and services under the chronically Sick and Disabled Persons Act 1970. Communication needs are more than just about speech and language therapy. They are also about a whole range of professionals working together to carry out comprehensive assessments and regular reviews of communication needs, and agreements to meet the child’s needs without disputes about budgets and responsibilities.

3.6.6 Disabled children who are victims of offences, including child abuse, often fall at the first hurdle in terms of getting access to justice when social care professionals, police and lawyers assume they will not make “credible” witnesses. Unless current barriers within the criminal justice system are tackled, resulting in successful prosecutions, such assumptions will continue to be made. The Children’s Society recommends that government:

- require that good practice in witness preparation, which is being carried out in a number of areas throughout the UK, be adopted on a national basis to ensure that disabled children and young people are properly supported to give evidence in an effective and confident way;
- speed up the full implementation of the guidance “Achieving Best Evidence”. This is extremely important for all children and young people, but we would highlight the need to pay particular attention to how the special measures can be used to assist disabled children and young people as witnesses.

3.6.7 To safeguard children placed in residential establishments including residential schools, health establishments and hospices, reform is needed to require local authorities to take action to safeguard the welfare of all children for whom they arrange care [for more than a 24 hour period] outside the family home. All such children should be afforded the same legal rights as looked after children and young people.

4. CHILDREN’S COMMISSIONER

4.1 We are very concerned and disappointed that at the time of writing the Government continues to resist amendment to the Bill to ensure that the Children’s Commissioner is the “children’s champion” promised. In Commons Standing Committee B five references to children’s rights and the provision to support individual children were removed. This leaves the English Commissioner without the function of “promoting and safeguarding the rights and interests of children”, which Commissioners in Wales, Scotland and Northern Ireland and other European countries have. The Children’s Minister has now replaced this with “promoting awareness of the views and interests of children”. This exceptionally narrow function has led the President of the European Network of Ombudspersons for Children to write to the Children’s Minister explaining that it is unlikely England’s Commissioner will be eligible to join the Network.

4.2 In its recent report the Joint Committee on Human Rights verdict on the amendments that were made in the House of Lords was to state:

“Part 1 of the Bill provides a statutory framework which has a good chance of establishing an office which can help to achieve the aim of making the interests of the child a primary concern in the work of the agencies of the state. We believe Part 1 as it stands, provides, for the most part, the basis for what can be seen as a genuinely independent children’s commissioner.”⁴⁸

4.3 With the Government intention to overturn the amendments to Part 1, it is of huge concern that the Bill will no longer provide the necessary framework to make the Commissioner an independent human rights institution as the JCHR suggests:

“The work of the Commissioner should be to help make a reality the work of Article 3.1 of the CRC . . . The Commissioner will make scant progress towards that goal unless he or she operates in a strategic way, mainstreaming awareness of the rights, views and interests of children through the whole of the public sector and beyond.”⁴⁹

⁴⁷ Morris, J (ed) (2003) “*It doesn’t happen to disabled children*”, *Child protection and disabled children*. NSPCC, pages 36–37.

⁴⁸ Joint Committee on Human Rights, Children Bill, Nineteenth Report of Session 2003–04, HL Paper 161, HC 537, para 58.

⁴⁹ Joint Committee on Human Rights, Children Bill, Nineteenth Report of Session 2003–04, HL Paper 161, HC 537, para 58.

5. INFORMATION SHARING

5.1 The Children's Society supports the general aim of improving information sharing between agencies. We support the principle that problems and concerns should be identified and responded to as early as possible. We believe that it is good practice to share information appropriately with other agencies where this is necessary and beneficial for the protection of the child. We also recognise (and experience) the problems caused by the diversity of practice and understanding about how and when to share information, and we agree that this can and often does act as a barrier to the effective protection of children.

5.2 Any system that aims to identify children's needs and problems early, and to ensure effective multi-agency working to protect children, will always rely on the quality of professional practice, awareness and judgement being employed, and the prompt delivery of the services and help that will actually improve the child's situation. We emphasise this because we feel there is a risk that the proposals are aiming to work the other way round—ie that a new information sharing system will itself bring improved multi-agency child protection practice. We believe that there are significant risks in such an approach.

5.3 We are very disappointed and concerned that the Children Bill is returning to the Lords without any amendment to the provisions for the establishment of an information sharing database in clause 9. This clause is the enabling power for the implementation of the information sharing hub identified in the Green Paper. It gives the Secretary of State wide-ranging powers to require a number of bodies, including the new children's service authorities, to establish and maintain databases of information about children and young people

5.4 The databases are intended to facilitate information sharing between professionals and to ensure appropriate delivery of services to children and young people. We are broadly supportive of the need to improve information sharing to ensure that children are better safeguarded, but we remain concerned about the type of information to be recorded and in particular the recording of a "cause for concern" (clause 9(4)(g)) and the lack of professional discretion about when to record information, particularly in relation to "sensitive services".

5.5. The Bill has proceeded without the detail of how these two issues are to be addressed. The Government refused to amend the Bill to address them but a commitment was made on the 5 July to consult on these matters. The long-awaited consultation document was finally produced on 27 October⁵⁰ and whilst we welcome it we are very concerned about the contradiction being created between statute and the Government's stated intentions in the consultation and the apparent disregard that the Government is demonstrating for the importance and impact of statute. The views expressed in the consultation document would appear to reinforce our position that the Bill is in need of amendment.

5.6 Clause 9(4) sets out the information that those agencies listed in Clause 9(7)(f) will be required to disclose, including "information as to the existence of any cause for concern" (clause 9(4)(g)). Agencies will be obliged to provide all of the information listed. Our concern is that the clause establishes a new legal term without establishing its meaning and then consulting about whether or not this is the right term to use. The Government consultation document contains questions about how cause for concern can be defined and specifically asks the question:

*"Is there any better terminology that could be used to describe the indicator a practitioner puts on a child's record, rather than a 'concern'?"*⁵¹

5.7 Subsection (7) of Clause 9, in conjunction with subsection (6)(b) creates a statutory requirement on a range of listed persons or bodies to disclose information for inclusion on the database. There is no caveat or exception to this requirement in the Bill itself. The long list of agencies that would be required to share information includes services concerned with children's education, health, social care and offending behaviour.

5.8 During the Standing Committee debate the Minister rejected the need for professional judgement and the discretion for them to be able to make decisions about the wisdom and safety of disclosing details to the database⁵². The Government consultation document released on 27 October⁵³ appears to contradict this message, by indicating the Government's "initial" intentions to rely on professional judgement about the best interests of the child to inform decisions on disclosure⁵⁴. However we understand the Bill itself rules out such discretion by permitting no exceptions for the agencies who are "required" to share information.

⁵⁰ Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concerns about a young person, DfES, 27 October 2004.

⁵¹ Para 3.29, Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concerns about a young person, DfES, 27 October 2004.

⁵² Hansard Col 263, Standing Committee on the Children Bill, 21 October 2004.

⁵³ Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concern about a young person, DfES, 27 October 2004.

⁵⁴ Para 1.5, "DfES: Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concern about a child or young person." Released 27 October 2004.

5.9 The Bill does not mention or provide for an individual's consent to information sharing, nor does it establish that the best interests of the child should be the basis for professional judgement on whether or not to disclose. Moreover, the fundamental difference between the statement of the Minister, and the intentions outlined in the consultation give rise to genuine confusion, and require urgent clarification.

5.10 A blanket policy of required disclosure may itself put some children at risk, and we are concerned about the impact on children's access to essential but sensitive services that automatic notification to the database may have. The engagement of the child with the service they most need may be the single most effective means of achieving a safe and healthy outcome for the child—their need to get that help, in confidence, must therefore be allowed to take priority over a blanket legal requirement to share information on a database.

6. SHARED OUTCOMES FOR CHILDREN

6.1 We welcome proposals in the Bill to create a statutory framework of five outcomes for improving the well-being of children. As the Bill is currently drafted the outcomes are proposed as the framework for planning and accountability for the new children's services authorities (clause 7(2)).

6.2 Most of the outcomes are expressed as conditions experienced by children, with the exception of the fourth outcome (2)(d) which is defined as "the contribution made by them to society". The critical question remains as to how the outcomes will be made meaningful as a means of monitoring and accounting for activity. There is a need for clarity about how the five outcomes for children will be measured and how it will be ensured that children and young people's views and experiences are at the heart of any evaluation. If the success over time of improvements in children's services is to be measured in terms of "the lived experience" of children, then children and young people's own accounts of their quality of life, and their satisfaction with the services they receive, must be at the heart of a consistent approach to measuring the outcomes.

6.3 Children and young people we work with have suggested two additional outcomes: "being treated equally" and "being listened to and taken seriously". These build in core elements of what every child should be entitled to expect, and what our joint efforts as professionals should strive to achieve.

6.4 Being treated equally is to reflect the priority to be attached to the eradication of discrimination and prejudice, and their damaging impact on children and young people. Assessing whether policy and other activities ignore, reinforce or tackle discrimination is an important indicator of their "safety" for all children.

6.5 Children and young people have emphasised that their ability and opportunity to participate (reflected in the outcome of "the contribution made by them to society") is only one half of the equation and suggest that being listened to and taken seriously is an outcome in itself, and would mark a major cultural change, if all children and young people, no matter how young, or how they communicate, are actually listened to and taken seriously by adults.

7. EQUAL PROTECTION FROM VIOLENCE FOR CHILDREN

7.1 The Children's Society is a member of the Children Are Unbeatable! Alliance which has been campaigning for a change to the law since 1998. We are hugely disappointed that the Government has chosen not to provide equality in law for protection from violence for children. The amendment (Clause 49) introduced at Lords Report stage by the Lord Lester, at best does not go far enough and at worst entrenches in law discrimination of children by preventing them from having equal protection from physical violence. The amendment simply restricts use of places the current common law defence (confirmed by statute in the Children & Young Person's Act 1933), that children can be physically assaulted if it can be shown that it was in the pursuit of punishment of the child, (or "reasonable chastisement") to situations where actual bodily harm is not caused. The Joint Committee on Human Rights has concluded that in its retention of the defence, Clause 56 is incompatible with the UK's obligations under the UNCRC⁵⁵. Removing the defence would send out a clear message that children are equal in law, would make it easier for children to identify abusive behaviour towards them and would set a clear standard for the care of children to be supported by public education and support for parents.

8. CONCLUSION

8.1 As the Children Bill is about to receive Royal Assent, the focus must turn to implementation. We can only hope that implementation will go some way to plugging the gaps left by the lack of statutory movement on the key areas we have identified. We would urge some caution in the implementation process about moving too soon and too fast at the risk of ensuring the meaningful or lasting change envisaged and required.

November 2004

⁵⁵ Joint Committee on Human Rights, Nineteenth Report of Session 2003–04, Children Bill, HL Paper 161, HC 537.

Memorandum submitted by Barnardo's

1. INTRODUCTION

1.1 We are pleased to have the opportunity to submit evidence to the inquiry into *Every Child Matters*. Barnardo's works with more than 100,000 children, young people and their families in 361 services across the UK. These services are located in some of the most disadvantaged neighbourhoods, where child poverty and social exclusion are common features. Some services are totally funded by voluntary funds. Others are managed in partnership with social services, education departments and health authorities: we participate, for example, in 41 Sure Start partnerships.

1.2 In our evidence we concentrate on:

- The integration of services and collaboration between agencies.
- Listening to children; the role of the Children's Commissioner.
- The creation, management and sharing of records.
- Working with parents.

2. INTEGRATING SERVICES

2.1 We consider the initial focus on integrating health, social services and education necessary given both the significance of these areas to children's lives and the challenge of developing more coherent and child-centred services. As Children's Trusts are mainstreamed and Children's Services Authorities established there is a need to ensure that the voluntary sector maintains its position as a key partner in service delivery. Attention should also be given to other areas that are significant to children's lives. In particular we are concerned about:

- The integration of housing and childcare strategies at both government and local level.
- The attention afforded recreation, and particularly play.
- The changed position of schools following the recent publication of the DfES *Five Year Strategy for Children and Learners*.⁵⁶

2.2 Homelessness is one of the five key issues that the Government identify as continuing to drive social exclusion. Poor housing undermines the health and well-being of parents and children. Respiratory illness, behavioural problems and depression are regularly attributed to poor accommodation. Children's access to health and social care are badly affected by homelessness, as is their access to space to play safely.

2.3 The Government intends to sustain investment in the homelessness prevention measures that have been piloted, including mediation services aimed to prevent family breakdown. Sure Start and Children's Centres are well positioned to point people in the direction of these services. However, there is as yet little evidence of collaboration between housing and children's services on the ground, no imperative for housing departments to participate in Children's Trusts and no apparent joint endeavour by the Children's Directorate and the ODPM to collect and collate relevant data to inform a better integrated strategy.

2.4 The Children Bill includes a definition of well-being which is drawn from the outcomes outlined in *Every Child Matters*. The Government has accepted that including "recreation" in this definition clarifies what is meant by the outcome "enjoying and achieving".

2.5 There is thus a statutory requirement for Local Authorities to consider play, recreation and leisure outcomes when making decisions about the co-ordination of children's services. This needs to be matched by a clear expectation that relevant play and leisure providers in new structures will deliver to the Government agenda. This is complicated in multi-tier authorities where opportunities to play, unlike education and social services, are provided at a district level.

2.6 Education departments are a key element of the structures designed to deliver to the vision of *Every Child Matters* and extended schools provide a major delivery system. However, the DfES five year plan, in giving schools more autonomy, weakens the strategic role of education departments. It therefore becomes more important for schools *per se* to participate in local planning and commissioning structures. This is particularly pertinent with respect to the overall objective of safeguarding children, as evidenced in Sir Michael Bichard's report into the tragic events at Soham Village College⁵⁷ and Sir Christopher Kelly's Serious Case Review of Ian Huntley's contacts with agencies in North East Lincolnshire between 1995 and 2001.⁵⁸

⁵⁶ <http://www.dfes.gov.uk/publications/5yearstrategy/docs/DfES5Yearstrategy1.rtf>

⁵⁷ *The Bichard Enquiry Report* <http://www.bichardinquiry.org.uk/10663/report.pdf>

⁵⁸ Kelly, Sir Christopher (2004) *Serious Case Review: Ian Huntley: North East Lincolnshire 1995–2001*. <http://www.nota.co.uk/pdf/seriouscasereviewreportfinal.pdf>

3. LISTENING TO CHILDREN

3.1 We consider the model of Children's Commissioner adopted for England to be both weak in comparison to already established commissioners in the UK, and inattentive to the voiced views of children and young people.

3.2 The Commissioner's role and functions were considerably weakened during the Children Bill passage in the House of Commons when provisions to support individual children, to review and report on the effectiveness of advice, advocacy, whistleblowing and inspection and to assist young people in custody were removed.

3.3 A recent Hansard Society online consultation with children and young people about the personal characteristics of the Commissioner, how the Commissioner should communicate with children and young people, and what issues the Commissioner should prioritise, captured the consensus in one young person saying:

"A Children's Commissioner should be someone who believes that the rights of children should be counted. They should be committed to helping children and finding out what matters to them. A Commissioner should understand the ideas and opinions of children and take his job very seriously."⁵⁹

4. THE CREATION, MANAGEMENT AND SHARING OF RECORDS

4.1 The recording and sharing of basic information in databases as set out in the Children Bill is intended to facilitate information sharing between professionals and to ensure appropriate delivery of services to children and young people. Barnardo's is supportive of the need to improve information sharing to ensure that children are better safeguarded and welcome the government recently published consultation⁶⁰, but we remain concerned about:

- the type of information to be recorded and in particular the recording of a "cause for concern";
- the lack of professional discretion about when to record information, particularly in relation to "sensitive services";
- the apparent contradiction between statute and the Government's stated intentions in the consultation.

4.2 We recognise the importance of information sharing in ensuring that children, young people and families get the support they need. We believe that effective information sharing is grounded in joint working, with professionals committed to common goals and working within a common ethos. Our concern is that the provisions in the Children Bill establish a new legal term in "cause for concern" without also establishing its meaning.

4.3 Sharing subjective judgements of the kind envisaged by the legislation can only be effective where there is a common understanding of the relevant threshold; the information shared must be accurate, objective and comprehensible. The power to record "any cause for concern" will create a system of information sharing that fails to meet all three standards. This will at best lead to professional confusion and at worst increase the risks to children and young people.

4.4 Additionally, the Bill creates a statutory requirement on a range of listed persons or bodies to disclose information for inclusion on the database. There is no caveat or exception to this requirement in the Bill itself. The long list of agencies that would be required to share information includes services concerned with children's education, health, social care and offending behaviour.

4.5 During the Standing Committee debate the Minister rejected the need for professional judgement and the discretion for workers to be able to make decisions about the wisdom and safety of disclosing details to the database⁶¹.

4.6 The Government consultation document released on 27 October⁶² appears to contradict this message, by indicating the Government's "initial intentions" to rely on professional judgement about the best interests of the child to inform decisions on disclosure.⁶³ However we understand the Bill itself rules out such discretion by permitting no exceptions for the agencies who are "required" to share information.

⁵⁹ *Got your back ... What do you want from the children's commissioner?* <http://www.hansardsociety.org.uk/assets/HeadsUpCCSummary.pdf>

⁶⁰ Department for Education and Skills (2004) *Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concern about a child or young person*. <http://www.dfes.gov.uk/consultations/downloadableDocs/InfosharingConDoc271004.doc>

⁶¹ Hansard Col 263, Standing Committee on the Children Bill, 21 October 2004.

⁶² *Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concern about a young person*, DfES, 27 October 2004.

⁶³ Para 1.5, "DfES: Information Sharing Databases in Children's Services: consultation on recording practitioner details for potentially sensitive services and recording concern about a child or young person." Released 27 October 2004.

4.7 *Every Child Matters* embraces the most marginalised of children. We are deeply concerned that requiring the disclosure of information by statute overrides the essential need for professional judgement to be applied to decisions about the safety and wisdom of disclosure in the circumstances of each case. A blanket policy of required disclosure may itself put some children at risk, and we are concerned about the impact on children's access to essential but sensitive services that automatic notification to the database may have. The engagement of the child with the service they most need may be the single most effective means of achieving a safe and healthy outcome for the child—their need to get that help, in confidence, must therefore be allowed to take priority over a blanket legal requirement to share information on a database.

4.8 Research shows that refugee children are missing out on the support, services and protection available to other children in England⁶⁴. Furthermore, refugee children are discriminated against in many ways:

- in legislation;
- in benefits, housing provision and access to education;
- through social exclusion and discrimination.

4.9 We welcome the commitment that every child matters and the assurance it carries that all the reforms of children's services apply to every refugee child. We are therefore hugely disappointed and concerned that the Children Bill's proposals to ensure joint working, information sharing and the new duties to provide further safeguards for children specifically exclude the critical agencies responsible for the welfare and support of refugee agencies. This exclusion has been seriously criticised by the Joint Committee in Human Rights, and is inconsistent with the *Every Child Matters* agenda as a whole.

4.10 Further, *Every Child Matters* recognises unaccompanied children as in the greatest need and specifically asked the question: “how can we improve support for unaccompanied asylum-seeking children, building on the work of the children's panel?”⁶⁵ There has been no movement on this critical issue through the passage of the Children Bill. There is a clear need to address duties to provide independent assistance and advocacy to children to whom services are provided and/or who are involved in legal proceedings. Unaccompanied children should be provided with a legally appointed independent guardian.

5. WORKING WITH PARENTS

5.1 We are concerned that two linked strands of government policy—supporting parents facing the day to day challenges of parenting, and confronting them as to their “responsibilities” where their children behave anti-socially or criminally—lead neither to a cohesive parenting strategy nor to a coherent set of services available to parents at key transitions in their children's or family's lives, or at times of stress and distress.

5.2 It is our experience, in managing programmes supporting “parenting orders”, that parents both wish the programme had been available before matters reached a crisis point, and had made earlier, repeated and unsuccessful attempts to obtain help.

5.3 We believe this policy tension is exacerbated by siting responsibility for young offenders in the Home Office ie not with the vast majority of services to children, young people and their families in the DfES. Young offenders are children too: it is unfortunate if structural barriers have to be overcome before strategies and services rooted in *Every Child Matters* can properly be allocated to meet their, and their parents', needs.

5.4 The joint DfES and DCA proposals on parental separation⁶⁶ are welcome and seek to balance rights and responsibilities, for both resident and non-resident parents. The quality of the relationship between parents and their children, after the adults have separated, is evidenced as the most significant of all related factors affecting children's well-being. This quality reflects the impact of other important stress factors such as conflict and economic hardship, and in turn predicts a wide range of negative outcomes in childhood, adolescence and extending into adulthood.

5.5 However, the quality of relationships between parents following a lengthy court conflict is unlikely to be greatly affected by the compulsory parenting programmes proposed. The real policy challenge is to enable parents to address the conflicts between them much earlier, in both their and their children's interests. The policy thrust of the Government's proposals is too late in the process to deliver to the outcomes envisaged in *Every Child Matters*: by the time adults are in court, positions have become entrenched, children's voices long unheard and “parenting plans” are more likely to have been agreed through pragmatic compromise than any real consideration of children's best interests.

⁶⁴ See, for example, Dennis, J, 2002, “A Case for Change: How refugee children in England are missing out” The Children's Society, Save the Children, Refugee Council; Stanley, K, 2001 “Cold Comfort: Young separated refugees in England” Save the Children.

⁶⁵ *Every Child Matters*, CM 5860, September 2003.

⁶⁶ Parental Separation: Children's Needs and Parents' Responsibilities. <http://www.dfes.gov.uk/childrensneeds/docs/DfESChildrensNeeds.doc>

5.6 What is needed is a more systematic set of services that parents and children can be made aware of through existing provision such as Sure Start and Parentline plus; services which recognises that separation is a process not an event, and that are available to intact families, those breaking up and those re-forming, at key points of their transition.

5.7 Existing services to parents do prioritise “positive discipline” and thus make a welcome contribution to safeguarding children and their greater enjoyment of “family life”. However, the government’s resistance to abolishing the defence of “reasonable chastisement” available to those hitting children, do not sit well with the wider vision and explicit outcomes of *Every Child Matters*. The compromise position in the Children Bill is confusing for professionals and public alike. However, we welcome the government’s commitment to review the issue of “reasonable chastisement” in two years time would like this process to be subjected to parliamentary scrutiny.

6. CONCLUSION

6.1 *In summary:*

6.1.2 There is scope for better collaboration between Housing Departments and Children’s Trusts and the DfES and the ODPM.

6.1.3 There is a need to ensure the inclusion of relevant play and leisure providers in the structures that deliver to the Children Bill’s sought-for outcomes.

6.1.4. It is important that schools, in addition to education departments, participate in local planning and commissioning structures, particularly those focused on safeguarding children.

6.1.5 The current role afforded the Children’s Commissioner is weak and inattentive to the voiced views of children and young people.

6.1.6 The current confusion between primary legislation and government consultation with respect to “information sharing” is in need of urgent resolution.

6.1.7 Services to young offenders are best provided under the aegis of Children’s Services.

6.1.8 The policy thrust of the DfES/DCA Parental Separation Consultation Paper is too late in the process to meet the outcomes of *Every Child Matters*. What is needed is a more systematic set of services available to intact families, those breaking up and those re-forming.

6.1.9 We believe the process by which the Government intends to review its proposals on “reasonable chastisement” over the next two years would benefit from parliamentary scrutiny.

November 2004

Memorandum submitted by the Refugee Council

INTRODUCTION

1. The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. We give direct support and advice, and work with asylum seekers and refugees to ensure their needs and concerns are addressed. We have ten years experience of assisting unaccompanied children in the asylum process through our Panel of Advisers for Unaccompanied Refugee Children. Through our services to children and our policy work we work closely with many agencies assisting children involved in the asylum process.

2. The Refugee Council welcomes the attention given by the Committee to the issue of children’s services reform. We support the Government’s stated aim to safeguard children and to ensure that policies are in place that ensure that each child fulfils his or her potential. The Refugee Council therefore welcomed the Green Paper *Every Child Matters* and the efforts made to address issues that would directly affect our clients. Our detailed views on the proposals outlined in *Every Child Matters* can be seen in our full response of November 2003.⁶⁷

3. This submission highlights some of the concerns expressed as a response to *Every Child Matters*, as well as commenting on the progress made since its publication. It includes recommendations for further progress towards our shared vision, a society in which children are safe and able to maximise their opportunities.

⁶⁷ http://www.refugeecouncil.org.uk/publications/pub007.htm#child_matters.

EVERY CHILD MATTERS

4. The title of this inquiry is particularly pertinent to the Refugee Council, as we work with some of the most vulnerable and marginalised children and young people in the UK. Many of the young people we see have experienced violence, human rights abuses and separation from close family members. In the UK they struggle to negotiate an asylum system designed for adults and a child protection system focused on children who live in their own community within their own families.

5. Every Child Matters is to be commended for its principles and the stated aim that “Child protection must be a fundamental element across all public, private and voluntary organisations”.⁶⁸

6. “Falling through the gaps” is a phrase that could have been coined to describe the experience of asylum seeking children in the UK. It is therefore imperative that policies aimed at vulnerable children do not simply repeat previous mistakes—as a society we must rise to the challenge of protecting those hardest to protect.

CHILDREN AND FAMILIES SUBJECT TO IMMIGRATION CONTROL

7. The Refugee Council acknowledges a need for immigration control and understands that in order to fulfil its function the government is responsible for decisions regarding applications to enter or stay in the UK. However, we strongly believe that while children are living in this country they must be afforded equal rights and treatment under UK law and that policies relating to child protection and children’s welfare must pay particular attention to the needs of this vulnerable group. The wording of the Green Paper and forthcoming inquiry indicate that this is the view of government; this message was further underlined by Baroness Ashton at Committee stage of the Children Bill in May 2004: “noble Lords can rest assured that the wording of the Bill covers all children. There are no exceptions; noble Lords would not wish it otherwise, and neither would I.”⁶⁹

We are therefore disappointed at two recent pieces of legislation which appear to be contrary to this point of view:

- Section 9 of the Asylum and Immigration (Treatment of Claimants, etc.) Act introduces a new category of person to whom support may cease at the end of an unsuccessful claim for asylum and appeals associated with it. For the first time, families could be faced with the possibility of having their children supported in the public care system as a result of destitution. It has widely been commented that this proposal is inconsistent with the Children Act, which has as one of its underlying principles the position that every effort should be made to preserve the child’s home and family links.
- Clause 11 (Arrangements to Promote and Safeguard the Welfare of Children) of the Children Bill places a new duty on a list of agencies to have regard to the need to safeguard and promote the welfare of children. That this clause may be placed on the statute is a testament to the wide ranging reform proposed by the government in *Every Child Matters*. The Refugee Council is therefore mystified at the continued resistance to place the same duty on the National Asylum Support Service, centre managers of Immigration Removal Centres and Immigration Officers at the port of entry.

Recommendations

8. Guidance for practitioners on the implementation of section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004 must be consistent with the principles of the Children Act 1989.

9. Ministers must as a matter of urgency address the anomalies between legislation aimed at improving the welfare and safety of children and the tighter controls on immigration which may have harmful effects on children.

Children and Families in Detention

10. The Refugee Council is opposed to the detention of asylum seeking children. There are no circumstances where detention is in a child’s best interests and alternatives must always be sought. We are particularly concerned at the increasing number of children detained and of the insufficiently robust safeguards to ensure that the harm caused to such children is minimised. Her Majesty’s Inspector of Prisons has, in several recent reports into centres holding children, made some important recommendations related to the welfare of children.⁷⁰ The Home Affairs Select Committee has also expressed concern with the way in which children are detained.⁷¹ It is very important that those responsible for the safety and welfare of children are aware of these concerns and take action to ensure that such recommendations are implemented.

⁶⁸ *Every Child Matters*; Introduction by the Chief Secretary to the Treasury.

⁶⁹ Hansard House of Lords, Vol 660 No 77, 4 May 2004, Col 1086.

⁷⁰ HMIP report on Dungavel August 2003 and HMIP report on Oakington November 2004.

⁷¹ Home Affairs Select Committee, “Asylum Applications” Second Report 2003–04; para 220.

Recommendations

11. Alternatives to detention should be established so that children seeking asylum are not detained.
12. Government policies and practice concerning the detention of children must be reviewed to ensure that the harm to children is kept to an absolute minimum. Discussions on implementing the recommendations of HMIP reports must include social care professionals.

Organisational and Information Overhaul

13. *Every Child Matters* made important recommendations on access to services and information-sharing by agencies, with the intention of improving the experiences of children involved with at least one statutory agency. These proposals have been the subject of much discussion which it is not our intention to duplicate here. However, it should be noted that even within the proposed improved systems, there will be children who will continue to miss out on the services designed for them. It is vital therefore that the committee understands these difficulties:

- There are, at any one time, a substantial number of refugee and asylum seeking children without a school place⁷². In addition to those children unable to attend school as they are held in detention, many children living in the community are unable to access a school place. It is, therefore, important that services designed to support children in a more meaningful way are not denied them on the grounds that they cannot access a school place.
- Similarly, the proposals for information sharing rely on a child being known to a statutory agency. In addition to those mentioned above, there are children not cared for by an adult who are not seen by social services.⁷³ There are a number of reasons for this, some related to social services referral and assessment processes. However, the Refugee Council has specific concerns about aspects of policy and practice by the Immigration and Nationality Directorate that have serious implications for the safety of children:
- An unaccompanied child is defined by the Home Office's Immigration and Nationality Directorate as a child making a claim for asylum who "has no adult relative or guardian to turn to in this country. IND does not consider a child to be unaccompanied if he or she is being cared for by an adult prepared to take responsibility for them".⁷⁴ This excludes some of the children in greatest need; children brought into the country by an adult who does not intend to care for them but rather has plans to exploit them.
- Current practice is to refer unaccompanied children to social services with no follow up, or to allow children to leave the Asylum Screening Unit with no address recorded on file. Concerns about those children who lose touch with the IND have been expressed to the Refugee Council by the directorate itself, however, this practice continues.
- Children held in detention or housed in the proposed accommodation centres, are not part of a wider community. The protection afforded to other children through attendance at school and contact with other members of that community will not be available to these children. It is imperative therefore that the safety and welfare of these children is given particular attention.

Recommendations

14. Design of "wrap around services" at a local level needs to be flexible enough to encourage take up within the most marginalised groups in society. Guidance should be issued at a national level to ensure that this happens.
15. Children seeking asylum, whether with family members or alone, should be tracked by those first in contact with them, to ensure that they are safe. If the Immigration Service is the first point of contact it must remain responsible for the safety of that child until s/he has been seen by social services staff.

SUPPORT FOR UNACCOMPANIED CHILDREN SEEKING ASYLUM

16. *Every Child Matters* rightly draws attention to those children who arrive in this country to seek asylum, unaccompanied by a parent or usual carer. They are described as "some of the children in greatest need". The work of the Refugee Council's Children's Panel is referred to and its limited capacity acknowledged. The Green Paper invited suggestions on how to build on this work and provide a more comprehensive and consistent support for these children and young people.

⁷² *Working with Refugee Children* (The Joseph Rowntree Foundation) 2003.

⁷³ *A Case for Change; How Refugee Children in England are Missing Out* (Refugee Council, Save the Children, The Children's Society) June 2002.

⁷⁴ Home Office (IND) Information note; Unaccompanied Asylum Seeking Children, July 2002.

17. The Refugee Council believes that the most comprehensive support would be provided through the appointment of a guardian. This role would be distinctive from and far exceed that which the Refugee Council is currently resourced to undertake, and it would still be necessary for the Children's Panel to continue to help children through the asylum system in addition to assisting their access to necessary services.

18. The role of a guardian would be a legal one, exercising parental responsibility for a child whilst their parents are unable to do this, and ensuring that all parties involved with the child seek the best possible solution to the crisis facing them. In addition the guardian would fulfil the role played by a CAFCASS guardian in child welfare proceedings; including instructing a legal adviser for young children and representing a balanced view, including that of the child, to all parties. This extra role helping to protect unaccompanied children will of course necessitate significant additional resources by government.

19. The appointment of guardians for children is of course, a matter requiring much deliberation and discussion and should not be taken lightly. There are many models and considerations to analyse. We live in a world where children are at risk of exploitation from those they know and those they don't. For these children and young people, a legal guardian may at least give them the same chance of safety as the rest of the children here in the UK.

Recommendation

20. An independent body should be appointed by government to provide a guardianship service. A child arriving in the country unaccompanied by a parent or legal guardian should be appointed a guardian for the time that they are in the UK.

WORKFORCE REFORM

21. The Refugee Council has much involvement with the statutory services working with refugee children. There is some excellent work being conducted by professional staff in sometimes extremely difficult circumstances. However, many professionals identify refugee issues as an important area not currently addressed in core training. Social work with asylum seeking and refugee children is becoming an increasingly challenging and specialist role. New issues are emerging that require a skilled response eg age assessment and responding to the needs of young people trafficked for exploitation.

22. Every Child Matters rightly identifies a need for training those staff who have a role in delivering services to children. For those who deal with refugee children it is important that they are adequately trained to address the specific needs of this group, whether their role is in emotional or social support, assessment, education or immigration control.

Recommendations

23. All professional staff coming into contact with asylum seeking children should receive basic training on the issues affecting this group.

24. Social Work training courses should include modules on working with asylum seekers and refugees as part of the core training.

Further Information

25. The Refugee Council is happy to expand upon any areas of this submission in written or oral form.

November 2004

Memorandum submitted by 4Children

1. The process of reform begun over 12 months ago under the banner of *Every Child Matters* is leading to significant changes in the support offered to children and families. There is virtually no structure or policy untouched by this process, which includes—but is far from limited to—the Children Bill currently finishing its passage through parliament. Throughout this period 4Children has campaigned for the development of joined-up solutions to children's policy problems: from departmental reform within central government, to more unified funding arrangements, through to integrated delivery models such as children's centres and extended schools. Through a wide range of lobbying activities and development work we have sought to demonstrate how the development of an integrated framework across the age range would contribute to achieving the government's *Every Child Matters* ambitions (not least each of the five key outcome measures).

2. This submission aims to assess the totality of the *Every Child Matters* process; assessing the progress made to date and also the steps still needed to create a genuinely integrated offer to children and families. 4Children's focus begins from the needs of children and families for high quality community services,

growing from local service hubs such as children's centres and extended schools. However, this agenda informs policy and practice across all children's services; indeed our philosophy is that a genuinely preventative offer is impossible without both trusted, local front line support and an appreciation of the essential interconnectivities between all the sectors and professionals that touch children's lives.

3. After a brief introduction to 4Children and the work we do, this submission sets out both the vision and rationale for a universal, integrated framework, whilst considering the progress made over the past year and the work still to be done. In this sense it is diagnostic and evaluative, whilst also pointing to some possible future steps. To finalise, we set out what we consider to be the key aspects of a genuinely reformed children's service sector—embodying the spirit and aspirations of *Every Child Matters*—and assess how far the government has got so far. In addition to this submission, 4Children would be delighted to extend this discussion and supply further information to the Committee's inquiry, in the form of oral evidence.

WHO WE ARE

4. 4Children (formerly Kids' Clubs Network) creates opportunities that enable all children to fulfill their potential, and all parents to access the support they need. The organisation aims to place children at the centre of policy development and service delivery, matching community support with family needs; building a better future for every child.

5. The organisation has led the lobbying for, and development of, childcare and out of school activities over the last 20 years supporting a growth of out of school provision from 500 schemes in 1993 to 10,000 today; supported by the National Childcare Strategy. 4Children now seeks to build on these achievements to ensure that all children and families get the support they need in their community.

6. More than anything, 4Children is about making a difference—about identifying issues and about devising and delivering solutions. It is also about change—about refocusing services onto the needs of children and their families, about bringing fresh thinking to old problems. From our continued support of the out of school sector to broader specialist support; from children's services as part of extended schools, to provision for older children; and from support for childcare businesses and social enterprises to developing quality services and training opportunities, 4Children is at the cutting edge of the children's sector.

7. Our aim is to ensure that all children, aged 0–16, and their families benefit from community based services throughout their childhood, empowering them to realise their potential and aspirations. Based in or around school, 4Children wants to see the development of universal, integrated services—from early years to out of school, providing children and young people with the space and capacity to learn, build relationships and develop the skills necessary to live healthy and enjoyable lifestyles.

DEVELOPING AN INTEGRATED FRAMEWORK FOR CHILDREN AND FAMILIES

8. The *Every Child Matters* Green Paper, and the reform and investment programme which is flowing from it, have provided a major opportunity to transform the nature of children's services and the cultural approach to how they are delivered.

9. For many years, services for children and families have been defined by their lack of cohesion and inconsistency leaving behind a trail of failed approaches and a catalogue of children who suffered as a result. The new era of integrated children's services has the potential to be a powerful catalyst to redefine every aspect of policy development and delivery. More than anything, it has the potential to move away from the complex, targeted and high risk fire fighting services that now dominate the landscape of support for vulnerable children and move towards a truly integrated and preventative universal framework through which targeted services can be delivered.

10. Much of this approach already exists through a wide range of Government initiatives—in delivery (from Sure Start to the Children's Fund), structurally (from LSPs to Children's Trusts), and strategically (from preventative strategies to extended schools). The challenge of *Every Child Matters* has been to move these approaches away from initiative status and into mainstream policy and delivery. Equally, sustained improvements still need to be achieved in delivering on effective inter-agency cooperation and planning at both the strategic and service delivery levels. This requires the focus to be on improved outcomes for children and not on protecting organisational interests, including budgets. Government rhetoric on this has been strong, but has not always been backed up by action.

11. To achieve this level of change over the coming months and years requires a bold lead from Government, backed up by significant and sustained investment, coupled with a real understanding of the challenges and potential obstacles to effectively implementing reform. Up until now, barriers to organisational and professional co-operation have not been fully understood and acknowledged; inhibiting effective and enduring change. Delivering on the vision of joined-up children's services needs to be backed up by a coherent and integrated infrastructure and funding regime, with a dynamic delivery machine, which fosters culture change as well. Over the past year the Government has made considerable progress, however the scale of the task remains sizable, and the transformation required needs strong leadership.

12. The implications for the workforce are profound requiring a new profession of workers skilled in the delivery of integrated opportunities for children with more specialist workers able to offer particular services (supported by a strong shared understanding of children's needs). To achieve this, a major challenge is to dissolve some of the damaging professional boundaries and divides that characterise the existing workforce settlement. We need a sharpened understanding of what interventions are needed and are most effective for children and families; especially enabling professionals to evaluate their work and communicate more effectively with each other. Again, the government has recognised these challenges and has taken some welcome, if limited, steps. However, a fundamental review of the workforce, rather than piecemeal adjustments, is still required.

4Children believes that delivering integrated services for children and families requires the following:

- placing children's needs being at the heart of policy and organisational priorities;
- joined up policy development;
- joined up infrastructure;
- joined up delivery; and
- a programme of service transformation and culture change.

PLACING CHILDREN'S NEEDS AT THE HEART OF POLICY AND ORGANISATIONAL PRIORITIES.

13. Articulating children's needs as the central justification for children's service reform is crucial, not least to engaging sectors and professionals in the change agenda and, ultimately, to achieving improved outcomes for children. Given the wide ranging and often complex changes being undertaken under the Every Child Matters banner, a continual focus on the overarching objective of improving children's lives should be the rallying call for reform. Ministers should be congratulated for regularly returning to this essential point, but now need to drive through change on the back of the considerable political capital and professional consensus they have helped to create here.

JOINED UP POLICY DEVELOPMENT

14. The starting point in developing an integrated framework for children's services must be a coherent policy base. The current myriad of services for children have grown from distinctly different rationales and starting points which inherently affect their approach, value base, culture, outcomes, funding rationales and delivery mechanisms.

15. As a result services have, at best, remained uncoordinated and, at worst, ended up clashing and undermining each other—with professional boundaries, hierarchies and budgets too often determining the intervention rather than the child's best interests. Children have too often been seen as the domain of either their parents or the specialist children's agencies, rather than the corporate responsibility of us all. Ultimate responsibility for children's well-being is sometimes passed between individuals, departments and agencies; as the Climbié, inquiry all too graphically reminded us. These were key challenges the government acknowledged in Every Child Matters, and culture change is undoubtedly a difficult process. Structural changes centrally, and plans in the Children Bill to reform local government, provide an opportunity for a step change, but again stronger leadership is required to overcome the entrenched traditions of divided policy agendas.

16. The establishment of the Children, Young People and Families Directorate within the Department for Education and Skills provides the foundations for a coherent policy approach. This Directorate needs to both lead, and be part of, a wider policy discussion with local Government, other agencies, and professionals working with and for children. Key priorities should be:

- Establishing the intellectual base for government intervention in services for all children, 0–16;
- Establishing the need and evidence base for services;
- Establishing the evidence of effective delivery mechanisms.

JOINED UP INFRASTRUCTURE

17. Traditionally, the infrastructure around children's services has positively worked against co-ordination and joined up thinking and delivery. Prior to the recent departmental reforms, seven Government departments had an involvement in services for children and families—each with their own concerns. This has been addressed in part by the creation of the Minister for Children, Young People and Families, but Ministers and officials in the Home Office, the Department of Health, the Department for Culture, Media and Sport, the Department for Work and Pensions, the Office of the Deputy Prime Minister, the Department for Trade and Industry and HM Treasury are all still involved in policy for children and families. This still necessitates a strong cross-departmental approach which is not always in evidence.

18. Central complexity has been mirrored locally, with interventions from social services, education, health, the police, childcare, leisure, regeneration, voluntary sector and more all creating and supporting services which are designed to support children but driven by their own agendas. Even where there have been strategic interventions such as Children's Service Plans, the needs of statutory services and the strength of the cultures of the established departments have dominated. Rolling out the integrated agenda embodied in *Every Child Matters* to local authorities and their partners remains one of the central challenges on the reform process.

19. Many local authorities have not had the vision, will, capacity or resources to make a bold move towards a corporate vision and strategy for children and families. New money that has been available through initiatives such as the Children's Fund, Sure Start, study support and childcare have helped authorities begin to broaden their horizons, and develop new services, but the short term nature of particular programmes—combined with incoherent funding and reporting mechanisms—has meant that they remain at the experimental or initiative stage. The need now is to take these approaches and mainstream them, as part of a coherent central and local infrastructure, rationale base, funding stream and workforce. Whilst the government appears to support such measures in principle, they have not yet been able to drive them through in practice. We acknowledge that such radical changes will not happen overnight and so the government should be congratulated for the progress made, but encouraged to be bolder and go further.

20. The size and scope of this change—which the *Every Child Matters* process has begun—should not be underestimated. Experience of consistent initiatives, not least the rollout of early years and childcare, demonstrates the sometimes limited capacity of strategic leaders, planners and deliverers at local level. 4Children therefore believes genuinely delivering a new framework of services and support for children requires a robust transformation, intervention and support programme from Government—focused on leading, advising, supporting and monitoring the development and implementation of ambitious action and transformation plans in every area.

21. Centrally, Government has brought services together within the DfES, which has undoubtedly given a focus to the reform process. Co-locating services within this Department is an important move and reflects the importance of learning as a central concern for services for children. However, co-location is not an end in itself—especially given the continued influence of the other departments. The Children, Young People and Families Directorate should be encouraged to develop policy and strategy across the piece; to establish and drive through a strong rationale for integration in all aspects of children's services. More broadly, the Directorate will need to “hold its own” in a department which has been understandably dominated by schools. Schools clearly remain the key mechanism in delivering children's education, as well as being a crucial site for the delivery of wider services. However, clear connectivity with other agendas, as well as learning, needs to be weaved in, from early years, to out of school, play and Connexions. 4Children believes this should be the catalyst for a wider debate about the role and purpose of the school within a local community. Such a debate, whilst politically controversial, will be a necessary prerequisite for developing genuinely joined-up children's services.

22. Locally, the central drive for co-ordination and integration needs to be mirrored through strategic bodies capable of planning and managing (though not always directly delivering) local services. Children's Trust pilots are currently investigating this approach and each will have to tailor its work to local needs. However, the broad point is that they need to look beyond traditional tried and tested methods—empowered with the necessary direction, knowledge, and funding. They need to achieve connectivity and high standards to create local integrated frameworks, which will require confidence, vision and flexibility at all stages.

23. A key element of infrastructure reform, aimed at improving delivery, must include new arrangements for funding. The plethora of current government initiatives and programmes aimed at children means that integrating funding streams is likely to be difficult to achieve in the short term as each has its own funding arrangements, timescales and outcomes. However, there are programmes, such as Sure Start, which co-ordinate areas of activity across traditional sectors which could provide a model for wider activity. As current programmes and initiatives come to an end and need extending or revising, the need to create a more coherent funding regime must be paramount. So far, the government has regularly acknowledged the weaknesses of the current position, but there is little evidence that funding across the children's services is anymore rational or closely aligned than before.

24. A new integrated infrastructure would have the capacity to create funding coherence—better matching resources to needs—by enabling Children's Trusts to co-ordinate and combine some funding in the short term. The aim must be to achieve national and local integration of funds over the next period—led by a new integrated Children's Fund to bring together funding for all non statutory services (and where practicable, statutory services) for children.

JOINED UP DELIVERY

25. Successfully achieving joined up delivery requires strong local models. The school clearly has a central role to play in the delivery of an integrated framework of provision, but is only part of the solution. Models of integrated centres for children, in or linked to schools, are therefore needed which have the potential to provide a wide range of services and support for children, across the age range, and their families.

26. The first phase of Children's Centres is currently being rolled out—with a commitment to one in every community in the medium term. Where children's centres offer an integrated model for young children, the extended schools concept must be further developed and evaluated for older children—both primary and secondary. Consistent evidence demonstrates that children who benefit from early intervention will fall back if that support is not sustained—extending support throughout the school years is therefore crucial, particularly at significant transition points in a child's life. A crucial next step therefore needs to be a programme of research, evaluation and consultation on the opportunities and challenges of the extended schools concept.

27. At present, there are high level political commitments from the Prime Minister, the Chancellor and the Secretary of State for Education and Skills, but the government must move to fill the vacuum of detail and aspiration. Ministers need to lead the agenda rather than be led by others, and avoid being bogged down in criticism of what they might do, in the absence of a positive vision. Achieving and sustaining a broad political, public and professional consensus on this issue is absolutely fundamental, as without it many of the practical improvements envisaged in *Every Child Matters* will not be delivered. There are plenty who are skeptical, even suspicious of the government's plans here, and it is not a battle that Ministers can win passively or by default. The risk to the government is that without strong leadership, combined with policy detail and investment, the reform process they have begun will remain at the organisational and structural stage¹ without benefits flowing through to children and families.

28. The delivery of local integrated centres will require significant investment from Government. Both Children's Centres and Extended Schools⁷⁵ will need start up and ongoing funds to sustain; especially in areas of disadvantage. There are, of course, significant sums already being invested in community based, preventative services. For example, early education, Sure Start, childcare, the Children's Fund, Connexions, PAYP, study support, and play activities are all being supported by central Government to a significant budget—over £3 billion per year in total. If contributions from neighbourhood renewal and regeneration, alongside parental spending, are included there is sizeable investment to be relocated around a universal integrated framework. A more systematic and efficient use of current resources, combined with a significant expansion of investment, is needed to fund the rhetoric and aspirations of *Every Child Matters*.

A PROGRAMME OF SERVICE TRANSFORMATION AND CHANGE

29. Children's Centres and Extended Schools need to be seen as more than co-ordination points for children's services. Their potential as positive support agencies for all children, their families and local communities must be developed. A broad exciting vision needs to be shaped, including: an early years offer, out of school support, childcare, play opportunities, support for parents, a social point for families, safe, fun places for teenagers to connect and be supported, and contact support for separated families. The government has made a compelling, and widely endorsed, case for better support for children and families (especially in the early years). It must now demonstrate how this support can transform lives and opportunities, to become trusted and reliable elements of the community landscape and an essential part of a modern welfare state. Then a political argument will have been won for a generation, beyond individual spending reviews or general elections.

30. On a local level, Children's Centres and Extended Schools, alongside targeted estate based interventions for children and their families, can be key tools in building capacity and resources within communities. Skilled childcare and community workers acting as brokers and communicators—helping people to find sustainable solutions through targeted interventions—provide a sustainable way of providing better long term outcomes for children. Out of box thinking, action and delivery will achieve better results. However, for this to happen, both service and workforce transformation is required, building on existing good practice, but acknowledging and changing what is not effective.

31. The workforce reform agenda, underway through the *Every Child Matters* process, is welcome and considerable progress has been made through the development of a new sector skills council and a set of common core competencies. However, it is vital that the big picture is maintained here. It needs to be acknowledged that the challenge may be welcomed by all in name but resisted by many in implementation—as professionals fear a watering down of their specialist area in the drive to create a new workforce. The recommendations on a common core training and continuing professional development need to be supported in implementation by a thought out programme of culture change (and extra investment to foster participation and goodwill in the process). This is an area that the government needs to be much bolder on as the challenges of recruitment, retention, low pay and low skills is acute and immediate. If the expansion in capacity planned is to be achieved—without sacrificing quality—swift action on the workforce is needed (both to plug existing gaps and to address long term issues).

32. Government and local authorities should recognise that a capacity building approach to encouraging potential new children's workers will yield very positive results over time, if backed up by the resources to enable people to participate in continuing professional development. There are already many positive examples of individuals who have joined one sector, through, for example, volunteering in a playgroup,

⁷⁵ 4Children can provide the Committee with indicative costings for a full scale expansion of extended schools in primary schools, which have been compiled for HM Treasury's work on the forthcoming 10 Year Childcare Plan.

moving on to an out of school club, before working on a part time or full time basis. Many have then taken the opportunity to train further and undertake a professional qualification, thanks to an accessible gateway into work with children. This capacity building approach should be more formally developed.

33. In developing the foundations of a new “Children’s Profession” , a critical approach is needed to thinking through what child protection services today, including who delivers them. It can be argued that many childcare, health and education workers all carry out many aspects of what is defined as child protection work, particularly in the areas of detection, assessment, prevention, intervention, referral, family support, advocacy and brokering. Exploring these issues, both in relation to work practice now and workforce transformation in the future is as challenging as it is essential.

34. The government should be widely applauded for the reform process it has begun through *Every Child Matters*. Indeed, there have been considerable successes over the last year or so, with many more likely in the future. For example, it is widely accepted at a national policy level that Sure Start is working. Most professionals will say this is because of the multi-agency working and the financial and professional capacity that has been provided to kick start and implement the programme. The task for government now is to learn from progress made so far by extending good practice and successful service models across the country. Politically, all these reforms, coupled with the additional investment going in, needs to hang together into a meaningful and trusted story to children and parents about how their lives and their communities are being improved. The scale of these professional, policy and political challenges should not be underestimated. However, they can and must be confronted if the bold vision of *Every Child Matters* is to be realised, and if its enduring legacy is genuinely to be a transformation in the offer our society makes to children and families everywhere.

KEY TRANSFORMATIONAL STEPS AND GOVERNMENT PROGRESS TO DATE

35. Looking back across the past year, the following are the key aspects of reform that 4Children believe were, and are, crucial to delivering on the Every Child Matters vision. In some areas considerable progress has been made, in others we believe there is still much to do.

36. *Transforming Policy:*

- (A) Flowing from the legislative measures enacted through the Children Bill, robust guidance is needed for local authorities and other agencies on delivering these changes. This process should inform an update on the *Every Child Matters* vision marking progress to date and future ambitions for children and families.

Guidance is expected once the Children Bill has received Royal Assent. This will need to place a high premium on the cultural and professional aspects of reform as well as the structural changes directed in the Bill. We await the expected autumn update of *Every Child Matters: Next Steps*.

- (B) A high level cross departmental implementation strategy should be established—with ambitious, timed targets on all aspects of policy and delivery. Built from within the Children, Young People and Families Directorate, this would engage other relevant departments—and the cross-cutting cabinet sub committee—to strategically develop policy as well as driving through delivery.

Internal government reform means that this is largely in place. However, there remain inconsistencies and potential contradictions in the differing agendas of various government departments; the most obvious being between the Home Office and the DfES.

- (C) Guidance and support is needed to ensure policy review and development takes place regionally and locally across all children’s services. Government needs to give a lead on empowering professionals to engage in evaluating and developing children’s service policy and delivery.

This function is expected to take place through Children’s Trusts, however ensuring that professionals are supported to be fully engaged in the process of evaluating and monitoring policy is likely to face practical and cultural obstacles that will need to be overcome.

- (D) Robust mechanisms are needed to evaluate policy and the effect of interventions on children and families—extrapolating the linkages across sectors.

The government has some mechanisms to evaluate individual programmes, such as Sure Start, so as to monitor their effectiveness, but Children’s Trusts will need to think through how they will assess the overall impact of a range of interventions on children and families in their area.

37. *Transforming Infrastructure:*

- (A) A high level political commitment to developing a national universal infrastructure for all children and families.

The Five Year Plan for Education and Learners set out high level ambitions to create universal services for all children and families in every community. These plans have also received the public endorsement of the Prime Minister and the Chancellor of the Exchequer. These commitments have the potential to provide invaluable political impetus to this reform agenda.

- (B) A clear timed implementation plan is needed marking the way towards creating such a universal infrastructure over the next decade; including a phased approach to roll-out, targeting towards particular disadvantage in the first instance.

The forthcoming Ten Year Childcare Plan offers a key opportunity to set out a strategy to realise the political and policy commitments made by the Prime Minister and others. The government will need to produce a coherent and funded plan for expansion, including developing local capacity and infrastructure, which adds up to a clear and meaningful offer to children and their families.

- (C) Delivering on the Children Bill's aspirations, strong local strategic organisation within local authorities, involving other partners, should be established. This should include new Departments for Children and Families, bringing together education, social services and others to offer local integration and accountability.

This process is already underway, and whilst the government is right to allow individual authorities to determine themselves how they move towards integration, the principle should not be relaxed. Ministers should also work towards ensuring that non-statutory partners are given a level of involvement and representation commensurate with their work with children and families locally.

- (D) A new integrated Children's Fund bringing together all non statutory preventative services should be instituted (bringing together and mainstreaming existing initiatives for children).

The government has publicly acknowledged the inefficiencies and difficulties caused by the number and complexities of funding streams and have taken limited steps to address the problem. Much bolder action is now needed, especially in rationalising funding for the plethora of non-statutory services.

- (E) Children's Trusts must be required to undertake high level strategic research, audit, planning and commissioning for all services for children and families—to deliver a universal infrastructure of preventative services in every area for 0–16 year olds.

A requirement for there to be Children's Trusts in every area over the coming years will become law shortly. These bodies will be charged with the responsibility of strategically planning and commissioning services. However, detail on the precise role and function on the Trusts is still patchy. These bodies need broad membership, a strategic mandate, financial muscle, high visibility and the power to act.

- (F) Models of good practice in strategic delivery of joined up services for children are needed, with additional funding for a phased number of trail blazer local authority areas. The development and support of confident strategic planning teams in each area should be considered—backed up by a national support, transformation and intervention programme and team.

As yet, insufficient priority has been placed on supporting providers and authorities to share good practice, or on thinking through what strategic interventions can best help manage change and growth locally. Given the scale and rapidity of the planned expansion and reform, supporting change management well could be the key to the government's success.

- (G) Leadership and vision is essential to support the development of a more integrated children's workforce—with simplified and navigable training and qualifications pathways—to facilitate multi-disciplinary working and help tackle the problems of recruitment, retention and low skills.

A workforce unit and a sector skills council have been established within the DfES but major reform stills appears somewhat off. A set of common core competencies for all those who work with children have been established and some qualifications tailored to the new integrated era have begun to be designed. However, these are minor progressions in an area where fundamental change will be required. Strong leadership and investment are essential if government is to overcome the considerable professional and political barriers to change. The workforce reform necessary to meet the coming challenges will occur only by design, not by accident.

- (H) National standards for children's services should be developed—with a national quality assurance scheme for local authorities.

There appears to be no progress from government on developing such national standards, whilst the place of quality assurance schemes is increasingly uncertain.

38. Transforming Delivery:

- (A) There should be a clear articulation of how the *Every Child Matters* outcome measures relate to individual services and professionals—informing all other strategies.

This will be a responsibility for local authorities as they deliver the aspirations of the Children Bill, however whilst recognising the need to respect local difference, it will be important that there is a consistency in the offer to children and families across the country.

- (B) Child impact measurements and statements should be a key part of relevant local authority policies.

There is nothing to suggest that local authorities will be compelled to consider the impact of local policies on children, though some may well do so—at least informally—already.

- (C) Robust Children's Services Development Teams will be required in every local authority area—with responsibility for implementing the local strategic plan and developing linkages and best practice. An approved development plan to deliver ambitious local targets in the co-ordination of preventative services should also be considered—backed up by a development and leadership programme.

The appointment of a Director of Children's Services, combined with other local organisational reforms set out in the Children Bill, offer the potential for such local strategic direction. Local authorities may well require support in leading and delivering on this process.

- (D) Funding and support will be required for the development of Children's Centres and Extended Schools in every area—especially to ensure that these are integrated with a range of other services and activities.

Again, high level political and policy commitments have been made to rapidly extending these local delivery models. Details on timing and funding are expected in the Pre-Budget Report.

- (E) A high level Children's Champion in every local authority area could help drive through change and represent the interests of children.

There is no central government commitment to such local champions—the Children's Commissioner will undertake a representative role nationally, and in some local areas, informal “children's champions” may exist.

November 2004

Memorandum submitted by the Public and Commercial Service Union

INTRODUCTION AND SUMMARY

1. The Public and Commercial Service Union (PCS) is the largest trade union within both the civil service and the Department for Education and Skills (DfES). PCS has over 320,000 members and within the DfES represents over 2,500 staff from administrative assistant (AA) to Grade 6, support grade and specialist staff, and members of the Senior Civil Service (SCS).

2. PCS welcomes the select committee's timely enquiry, and is happy to supplement this written submission with oral evidence.

3. PCS remains concerned about the DfES' decision to cut 1,460 jobs across the Department, and particularly as we believe this will impact on the support for children for which the Department is ultimately responsible, as well as impacting on PCS members working in DfES' Children, Young People and Families Directorate (CYPFD).

4. Noting the questions asked by the committee about the impact of DfES staffing reductions on delivering improvements to the children's sector, PCS wishes to raise our concern that a combination of job cuts within CYPFD and the wider DfES in the context of a major change programme poses a significant risk to improving services and support for children.

5. This submission covers the following issues:

- The inadequate rationale for job cuts within CYPFD's head office and regional teams.
- The risk to services and support for children posed by CYPFD undertaking large-scale internal restructuring while attempting to deliver a “whole systems change” across the sector.
- The need to retain CYPFD's operational capacity to support the change programme across the sector.

THE INADEQUATE RATIONALE FOR JOB CUTS IN CYPFD

6. It is PCS's view that the situation in CYPFD exemplifies how the DfES' commitment to a pre-determined reduction in the number of posts has driven restructuring across its Directorates. The restructuring of CYPFD is an integral part of the DfES' Organisational Review, which is predicated on achieving a 31% reduction in its staffing levels by April 2008. PCS believes that the restructuring of CYPFD is not the result of a clearly worked through programme of reorganisation across the sector, but that the DfES' ways of working and its relation to the wider children's sector are ultimately informed by the impact of staffing reductions within the DfES.

7. PCS is therefore concerned that reform of the children's sector does not stem from the welcome intention of improving services and support for children but by DfES' imperative to achieve staffing reductions. While recognising the importance of the Children's Act 2004 and Every Child Matters and that any reform of the children's sector will have some effect on the DfES' internal organisation, PCS does not believe that reform of the sector should be predicated on losing capacity within the DfES as a result of the Organisational Review.

8. To put the DfES' evidence in context, in April 2004, CYPFD announced plans to reduce its staffing level by approximately 200 staff by April 2006 from its October 2003 baseline figure of 1042 staff. Further staff reductions, proposed to take effect by April 2008, will see an overall reduction of approximately 390 posts by 2008; these reductions are justified on the basis of structural change to delivery systems with the DfES taking on a more "strategic" role, setting overarching policy while devolving responsibilities for delivery to other organisations. However, this rationale ignores the fact that CYPFD has been responsible for strategic policy development and its operational delivery as opposed to the frontline delivery of support and services for children; the DfES' role in the sector is therefore already highly strategic while frontline responsibilities rest with its partners.

9. Therefore PCS does not accept that the Organisational Review has created a new role for CYPFD; it remains responsible for overarching policy for services and support for children. The impact of job cuts across CYPFD on its capacity to deliver its policy and operational function has been acknowledged by CYPFD in a note to its staff, when it was admitted that "reducing the size of the Directorate while transforming the service we offer and achieving better outcomes for children and families is a tall order; it will be difficult for all of us at times".

THE RISK TO SERVICES AND SUPPORT FOR CHILDREN

10. PCS now believes, on the basis of feedback from members, that a further cut of 10 posts, beyond those already announced and implemented, are planned for CYPFD's regional teams in the near future; such a cut could result in the closure of smaller CYPFD regional teams such as those in Plymouth and Liverpool, and will further undermine the DfES's capacity to support frontline practitioners at a time of major change. The DfES's Future Role of Government Offices (FROGO) programme will have also have significant impact on the children's sector as it proposes to integrate significantly smaller, more "strategic" teams responsible for the children's sector into Government Offices (GOs).

11. PCS' prognosis is that this will lead to a further reduction in regional operational capacity, possibly to the extent that the CYPFD GO/regional presence is reduced to small numbers of "change agents" who will only engage local authorities and other organisations at a "strategic" level. Withdrawing from regional delivery does not appear to sit with the Department's stated position of promoting change locally within the sector.

12. PCS believes that cutting the directorate while leading an ambitious change programme for the children's sector is, to quote the DfES Permanent Secretary, "a management challenge too far". The challenge of restructuring CYPFD head office functions, the move of CYPFD regional teams into Government Offices (GOs) on the basis of further reductions in capacity poses a significant intrinsic threat to delivering the vision set out in Every Child Matters.

13. PCS believes therefore that is a strong case for a moratorium being placed on staffing reductions within CYPFD simply to ensure that adequate resource is available to lead *and* support change across the sector. Job cuts across the rest of the DfES mean that there is little or no spare resource available to address any of the risks that are generated by the change programme that DfES has ultimate joint responsibility for delivering. Continuing to make staffing reductions across CYPFD in the present circumstances amount, in PCS's view, to the creation of additional and avoidable risks to the success of a major initiative.

THE NEED TO RETAIN OPERATIONAL CAPACITY

14. Ensuring that the DfES maintains its strategic capability is important, but the implementation of the Children's Act and Every Child Matters requires an effective operational capacity within the Department as well as an ability to set the strategic direction for the sector. This capacity is necessary even when frontline delivery is the responsibility of other organisations, and will be at a premium as the sector is restructured.

15. In describing a national framework for local change, the DfES memorandum stresses the importance of helping local children's trusts to develop; ensuring that good practice is shared; monitoring local performance; and intervening if local arrangements are found to failing children to the reform of the children's sector. In PCS' view this is an admission that the success of the reform programme requires more than a strategic capacity on the part of CYPFD and the wider DfES at least while the reform of the sector is being delivered. It is also clear that the functions outlined above require both regional and head office capacity to deliver them, and that the threat to CYPFD's existing regional capacity is therefore a threat to delivering the national framework for local change.

16. Operational work is a necessary complement to the strategic development of the sector: PCS reflects its members' concern that its importance has been devalued by an approach to reform that does not grasp the need to maintain an effective operational capacity within the DfES. PCS are also concerned that the DfES appears to believe that a cut in overall staff resource can be compensated for by using a higher grade mix to deliver services through relying on 'change agents' to be the interface between the DfES and its local partners.

17. PCS believes a wider operational role continues to be necessary to support change, and feedback from PCS members who deliver CYPFD's work confirms that local practitioners value their lead, support and advice; if this role is further diluted, it generates the risk that CYPFD will not offer the support to partners that is needed but will offer a more limited, merely "strategic" support because it will not have the resource to offer a wider, more comprehensive service directly to partners and indirectly to children.

March 2005

Memorandum submitted by the General Teaching Council

SUMMARY OF KEY POINTS

- The children's agenda needs to be promoted and pursued as an essential element of the education standards agenda, and not a diversion from it.
- Teachers are keenly interested in and committed to the general well-being and development of the children and young people with whom they work, as well as in their educational attainment.
- Clarity is needed as to the specific expertise that each profession within the children's workforce is best placed to contribute, because effective inter-professional working is predicated on clear professional identities and roles.
- The implementation of structures to support the children's agenda needs to be informed by, and to avoid destabilising, good practice where it exists.
- It is important to exploit the potential of the children's agenda to support recruitment, progression, diversification and retention across the children's workforce, as without good staff the aspirations set out in *Every Child Matters* will not be realised.

INTRODUCTION

1. The General Teaching Council for England (GTC) is the independent professional body for the teaching profession. Its main duties are to regulate the teaching profession and to advise the Secretary of State on a range of issues that concern teaching and learning. The Council acts in the public interest to contribute to raising the standards of teaching and learning.

2. The GTC has co-hosted one inter-professional event with the General Social Care Council and the Nursing and Midwifery Council, and is shortly to host another such event as part of a shared commitment to providing opportunities for the sort of professional dialogue that will support effective collaborative working. Practitioners from social work, education, and children's health services explored what it means to work collaboratively and what barriers and opportunities exist for developing multi-agency working focused on the needs of the child. The views of the participants in this meeting have informed this memorandum along with the GTC's response to the Green Paper *Every Child Matters*. This submission set out to reflect those of the Select Committee's themes of inquiry that the GTC feels best placed to inform at this point.

A VALUES BASE FOR THE CHILDREN'S AGENDA—TO UNDERPIN CULTURAL AND STRUCTURAL CHANGE

3. The GTC warmly endorses the Government's stated aim to "put children at the heart of our policies, and to organise services around their needs." (*Every Child Matters*). It is consonant with teachers' own view of their professional role, as captured in the GTC's code of professional values and practice.

Teachers have high expectations for all pupils, helping them progress regardless of their personal circumstances and different needs and backgrounds. They work to make sure that pupils develop intellectually and personally, and to safeguard pupils' general health, safety and well-being.

Teachers recognise that the well-being and development of pupils often depend on working in partnership with different professionals . . . They respect the skills, expertise, and contributions of these colleagues and partners and are concerned to build productive working relationships with them in the interests of pupils.

Extracts from the GTC Code of Professional Values and Practice, 2001

4. Our early cross-professional dialogue has reinforced the importance of shared and understood objectives for children and young people, informed by their own aspirations and those of their families and carers. The GTC believes that *Every Child Matters* sets out a positive basis for such aspirations, and this needs to be embedded in the forthcoming common core of knowledge and understanding for the children's workforce.

5. *Every Child Matters* has provided the impetus for a series of significant structural changes within services for children and young people: the establishment of new posts, including the children's commissioner and directors of children's services; and new institutions, such as extended schools, integrated children's services and children's centres. The GTC understands the importance of getting the structures right but cautions against relying on structural change to deliver cultural change on its own. Those leading the children's agenda nationally and locally need to have regard to the communication of the agenda to the staff involved, in order to promote the opportunities for enhanced professional practice, and to mitigate the fears staff may have. At present much energy nationally and locally is focused on preparing for and implementing structural change. If early attention can be given to constructive dialogue with and between the staff affected there is more chance that the desired outcomes for children and young people will be realised. The understanding and support of the staff concerned is not an end in itself but one means to the ends set out in the Green Paper.

THE PLACE OF EDUCATION WITHIN INTEGRATED SERVICES

6. The education service has the potential to make a substantial contribution to the children's agenda by virtue of being a universal service. Appropriately trained education professionals are well placed to identify risk or diagnose need at an early stage, due to their regular contact with children and young people, and to the opportunities they have for observing peer groups and discerning differential patterns of development or behaviour.

7. The education service has been closely focused on what is referred to as the standards agenda. People who enter teaching do so to improve the life chances of pupils through learning, and the profession is committed to pursuing improvements in pupil learning. However, there has been a persistent concern that the wider goals for young people set out in *Every Child Matters*, implying a wider role for schools and teachers, are at risk if schools are held to account in a narrow way for educational outcomes. This risk informs the GTC's comments, below, about inspection and other forms of accountability.

TRAINING, DEVELOPMENT AND MANAGEMENT NEEDS

8. The GTC asserts that effective multi-agency working is based on collaboration between professionals who are:

- equipped to be effective in their own specific roles;
- clear about the unique contribution, and the boundaries, of their expertise;
- well-informed about the role and expertise of other practitioners working with children and young people; and
- supported by common frameworks—based on shared values—that shape and inform practice.

9. These assertions have clear implications for training and development. First, there must continue to be a strong focus on “role-specific” professional development within the professions represented in the children's workforce. Teachers need to be effective in their own professional context in order to add value to multi-agency work. Further, they need to understand which interventions are consonant with their responsibilities, roles, and training, and where they are advised to refer issues to other professionals or services.

10. Second, teachers and other school staff need early opportunities to understand the roles and practices of other professionals and services. This opportunity needs to be provided during the formative professional phase, but might be best addressed after initial teacher training, during early professional practice. Opportunities for inter-professional training and development might enhance mutual understanding of roles and practices, and the development of skills to support multi-agency working and effective working with children, parents and carers.

11. Third, practitioners working in a multi-professional context need to espouse common aspirations for children and young people that are pursued through common processes. The DfES work on the common core and the common assessment framework should contribute to this end. Practitioners across the children's workforce will need timely training in the use of new procedures such as the common assessment framework.

12. The Council is conscious that school staff, other than teachers, play a key role in information gate keeping and in support for pupils with specific needs. All school staff will need training to raise awareness of new expectations placed on schools as well as specific training for the individual members of staff assuming key roles.

13. The National College for School Leadership (NCSL) has already embarked on potentially exciting work to capture the leadership and management demands of extended schools, and integrated children's centres. This work rightly emphasises the need for leaders with advanced skills in co-ordinating services including those beyond their own professional sphere, and being entrepreneurial and innovative in identifying human, material and financial resources that support wide objectives for children and young people.

14. The GTC would further emphasise the need to retain and sustain expert leadership of teaching and learning within educational institutions, as those institutions take on a wider focus.

15. The GTC is represented on the Children's Workforce Network, and will be pursuing through this and other channels its interest in the opportunities presented by the children's agenda for innovations in career development for staff in the children's workforce. If properly exploited, such opportunities may assist with the recruitment, progression and retention challenges faced across the children's workforce. Much has been said about the potential of the common core of skills and knowledge to support transfer between professions. The GTC anticipates that the common core is more likely to support mobility at entry level—ie providing a common grounding for those entering the children's workforce via any sphere—and to support the creation as appropriate of 'hybrid' roles in contexts such as extended schools, rather than anticipating much growth in the wholesale transfer of 'fully-fledged' professionals from one sphere of the children's workforce to another.

16. Beyond the passage of the Bill, the GTC intends to work further with other professional bodies representing the children's workforce to identify the development needs that will support the aspirations for children and young people set out in *Every Child Matters*.

INSPECTION

17. The GTC would like to address the wider question of how to assure the quality of children's services, to which inspection is one part of the answer.

18. Key to the success of the children's agenda is the integration and rationalisation of standards, targets, plans, funding and accountability frameworks across a range of services and professions with distinctive cultures and practices, such that what emerges captures what is important about service-specific outcomes and cross-cutting objectives for children and young people. It is imperative that potential tensions between service-specific and integrated service objectives are resolved in the interests of children and those working with them. For example, schools experience some tensions between expectations placed upon them—which they embrace—about social inclusion, and a system of public accountability that focuses primarily on the educational attainment of pupils. In the area of post-16 education there are considerable challenges in establishing the seamless service intended in the Children Bill. There can be difficulties around funding, prescribed frameworks and targets placed upon the learning institution and professionals involved.

19. The GTC recommends a stronger strategic focus on the development and alignment of standards frameworks to support practice across the children's workforce. It appears that there is not yet a vision for the extent to which reform *within* sectors should include extending standards frameworks to entry and intermediate level practitioners, let alone a vision for the children's workforce as a whole. In teaching, for example, standards have been devised for higher level teaching assistants (HLTAs) but there are other staff directly involved in teaching who are not working within a framework set by occupational standards. Is the aspiration to extend the reach of professionalism—with the rights and responsibilities conveyed by the term—to new levels of practice within the children's workforce, or to create a workforce with a cadre of professionals operating within a wider occupational group? The merits and demerits of each approach have not been explored with stakeholders.

20. Central government also needs to have regard to the processes by which it manages and accounts for its delivery in relation to the children's agenda.

INFORMATION-SHARING AND RECORDING

21. Practitioners who took part in our cross-professional seminar were emphatic about the importance of clear guidance across integrated children's services on information sharing and recording. A lack of clarity persists within services about disclosure to children, young people, parents and careers, which suggests it is likely that procedures or understanding vary between services as well. The proposed common assessment framework is potentially an important structure on which to build common practice. It will be most effective if there is consistency and specificity in the use of language on the part of the diverse professionals who may be recording information in the context of its operation. The development of this shared language should not be left to chance.

22. Professional bodies play a key role in codifying conduct through the development and publication of professional codes. These may need to reflect new inter-professional standards around information sharing.

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