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Consultation outcome

# A new ILACS judgement on the experiences and progress of care leavers: report on the responses to the consultation

Updated 2 December 2022

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## Introduction

From 22 June to 29 July 2022, Ofsted consulted on introducing a separate new judgement to inspections of local authority children's services (ILACS): 'The experiences and progress of care leavers'.

Our inspection findings and research had shown that evaluating the experiences and progress of care leavers as part of the wider 'children in care and care leavers' judgement had not maximised the profile of care leavers to the extent we had intended.

We proposed to:

- introduce a separate new judgement within ILACS: 'The experiences and progress

- of care leavers'
- review and update the existing evaluation criteria to ensure that they are relevant and reflect what 'good' looks like for care leavers
- introduce the new judgement after all local authorities have at least one ILACS inspection outcome

## The consultation method

We gathered feedback on our proposals from:

- an online survey, which received 141 responses.
- discussions with representatives of the National Leaving Care Benchmarking Forum (including a survey of members, which received 46 responses)
- discussions with organisations that represent the interests of children and young people
- discussions with academics and researchers who specialise in social work
- discussions with representatives of local authority children services, including directors of children's services
- letters and emails sent directly to us

## Summary of responses

We received strong support for our proposal to introduce the new judgement: 93% of respondents strongly agreed or agreed.

We received strong support for introducing the new judgement from January 2023: 78% of respondents strongly agreed or agreed.

Based on this response, we have decided to introduce the separate judgement from January 2023. The judgement will be called 'the experiences and progress of care leavers'. We will continue to use the term 'care leavers' because this reflects young people's legal status and the language in legislation and statutory guidance. This is important to ensure the scope of our inspection framework is clear. However, we may use the term 'care experienced young people' in our inspection reports because many people who responded to the proposals, including young people themselves, told us this was the term they preferred.

We received a lot of helpful feedback about the most important things for us to consider when setting out what good experiences and progress look like for care leavers. Based on the feedback, our evaluation criteria for the new judgement will cover these themes:

- relationships and participation
- health and emotional well-being
- local offer for care leavers
- making good decisions for care leavers
- helping and protecting
- learning and employment
- support into adulthood

We will publish the updated ILACS framework in December 2022.

# Findings in full

## Respondents

The table below sets out the make-up of the respondents to our online consultation. We have also summarised the feedback we received on the online consultation and our discussions with stakeholders.

| Respondent groups                                                                                  | Number of responses |
|----------------------------------------------------------------------------------------------------|---------------------|
| All respondents                                                                                    | 141                 |
| Care leavers (including representative groups who shared the views of care leavers they work with) | 7                   |
| Civil servants/central government employees                                                        | 6                   |
| Consultants, researchers and academics                                                             | 7                   |
| Directors of children's services and senior social care managers                                   | 46                  |
| Education professionals (including virtual school)                                                 | 10                  |
| Managers and workers in registered settings                                                        | 21                  |
| Social workers and social work managers                                                            | 21                  |
| Workers in a voluntary organisation/charity                                                        | 9                   |
| Others (including parents, carers and personal advisers)                                           | 14                  |

## Proposal 1: a new judgement for care leavers

We asked: 'To what extent do you agree or disagree with our proposal to introduce a separate new judgement within ILACS: 'The experiences and progress of care leavers'?

Of the 141 respondents to the online survey:

- 131 strongly agreed or agreed
- 8 neither agreed nor disagreed
- 2 disagreed or strongly disagreed

The main reasons respondents gave for agreeing to the proposal were:

- it will give care leavers a more prominent 'voice' in the inspection
- it will help Ofsted to give clearer findings on care leavers' specific needs and experiences, including what is working well and what needs to improve
- it will encourage local authorities to respond to and prioritise care leavers

We received very few concerns about this proposal. We have set out these concerns and how we will respond.

### Respondents' concerns

There was a general view that we should refer to young people as 'care experienced' rather than 'care leavers'. This is because a young person's experience of care continues to influence their life into adulthood. Not everyone agreed with this. Those who disagreed said that it will create confusion between 'children in care' and 'care leavers'. Both of these groups are care experienced but they have different needs that must be reflected clearly in the different judgements we will make.

### Ofsted response

We have decided that in our ILACS framework we will continue to use the term 'care leavers' because this reflects young people's legal status and the language in legislation and statutory guidance. This is important to ensure the scope of our inspection framework is clear. We may use the term 'care experienced young people' in our inspection reports because many respondents to the proposals, including young people themselves, told us this was the term they preferred.

### Respondents' concerns

It could cause 'leaving care services' to be seen as separate from wider children's services and undermine long-term planning for children while they are in care. Respondents emphasised the need for support for children and young people to be a continuous service with different stages.

### Ofsted response

Our evaluation criteria will cover planning and preparation for leaving care and whether effective support for care leavers continues into adulthood. We will consider both how children in care **are** being prepared and supported to leave care and how well care leavers **were** prepared and supported to leave care.

## Proposal 2: evaluation criteria

We asked: 'What are the most important factors for us to take into account when setting out what good looks like for care leavers?'

This was an open question. Of the 141 respondents to the online consultation, 133 suggested at least one thing that we should take into account.

Respondents were very consistent in their views on what we should include in our evaluation criteria. We have summarised these as a series of questions that respondents felt our inspections should seek to answer.

Do care leavers have trusting and loving relationships and strong social networks?

Are care leavers helped to understand their rights and entitlements and do they have access to independent advocacy?

Do care leavers have good channels for feeding back to the local authority and

informing service design?

Does the local authority create a culture where care leavers want to keep in touch?

Are care leavers supported to have good physical and mental health?

Does the local authority work effectively with health partners to provide the services care leavers need?

Is the local offer for care leavers clear, accessible and ambitious?

Are care leavers involved in the development and review of the local offer?

Do children's services work effectively with other local authority departments and local partners to develop and implement a local offer? Do they monitor its effectiveness?

Are care leavers listened to, valued, treated like individuals and involved in decisions about their lives?

Are needs related to specific circumstances met? (For example, is the young person an unaccompanied asylum seeker, involved with the justice system or a young parent? Do they have special educational needs and/or disabilities?)

Does planning start early and is it ambitious about young people's futures?

Are care leavers protected and are they helped to keep themselves safe?

Does the local authority tackle bullying and discrimination?

Is the local authority ambitious and aspirational about care leavers' education, employment and training options?

Does the local authority secure a wide range of opportunities for care leavers to choose from, including apprenticeships, further and higher education and careers advice?

Do care leavers move to independence at a pace that is right for them?

Can care leavers access their records easily? Are they helped to understand their histories and experiences?

Do care leavers have somewhere to live that is safe, secure, stable and affordable?

Do care leavers have: the information they need, for example, national insurance numbers, birth certificates and passports?; the resources they need, for example, affordable transport and internet access?; the financial support they need, and the skills to manage their finances?

Does planning for care leavers' futures start early enough and does it involve all the relevant people and agencies? Does planning respond to changes in care leavers' circumstances and wishes?

Do care leavers have a good relationship with a well-trained personal adviser?

We took these suggestions into account when drafting the evaluation criteria for our judgement on 'the experiences and progress of care leavers'. In the ILACS framework we will organise the criteria under headings that represent the themes we identified in the consultation responses. These are:

- relationships and participation
- health and emotional well-being
- local offer for care leavers
- making good decisions for care leavers
- helping and protecting
- learning and employment

## **Proposal 3: when we will introduce the new judgement**

We asked: 'To what extent do you agree or disagree that we should introduce the new judgement from January 2023, after all local authorities have had at least one ILACS graded judgement?'

Of the 141 respondents to the online survey:

- 110 strongly agreed or agreed
- 17 neither agreed nor disagreed
- 14 disagreed or strongly disagreed

The main reasons respondents gave for agreeing with the proposal were:

- they wanted the judgement to be introduced as soon as possible so that services are supported to improve quickly
- they agreed with our reasons for proposing January 2023: it is fair and sensible to introduce a new judgement after all local authorities have been inspected under the current judgement structure

We received very few concerns about this proposal. We have set out these concerns and how we will respond to them.

### **Respondents' concern**

There is not enough time between the proposed update to the framework (December 2022) and implementation of the judgement (January 2023) for local authorities to read, understand and prepare for the new arrangements. Suggested alternatives for implementation ranged from April 2023 to January 2024.

### **Ofsted's response**

We already evaluate the experiences of care leavers as part of our current judgement on 'the experiences and progress of children in care and care leavers'. Much of what we will include in the separate judgement is not new.

The changes to the evaluation criteria will be informed by changes to government guidance, research findings and inspection findings, all of which have been public for quite some time.

The response to the second proposal in our consultation highlighted that there is already a widely shared view of what 'good experiences and progress' look like for care leavers. These views will inform the final evaluation criteria.

Given these points, we are confident that our evaluation criteria will reflect what local authorities should already be doing for care leavers. Local authorities should not need to make significant preparations for the start of the inspections. In our view, delaying implementation is neither necessary nor desirable.

### **Respondents' concern**

Ofsted should run a separate consultation on the specific evaluation criteria they propose to use before introducing the new judgement.

### **Ofsted's response**

Our consultation has shown that there is a widely shared view about what 'good' looks like for care leavers (see the response to proposal 2). This consultation has already provided detailed views and information that have informed the revised evaluation criteria. In light of the detailed information already gathered, we do not think a further consultation exercise is needed.

### **Respondents' concern**

The judgement should be introduced after other relevant developments in the sector, such as the government's response to the independent review of children's social care and Ofsted's regulation of supported accommodation.

### **Ofsted's response**

In a complex and fast-moving sector, there will never be a perfect time to introduce changes to the inspection system. We are confident that introducing this judgement as soon as possible is the right thing to do for care leavers.

We also expect that findings from ILACS will inform thinking about how to implement other changes in the sector in the years ahead.

As with all our inspection frameworks, we will keep our evaluation criteria and methodology under review. We will amend them in response to wider developments when it is appropriate to do so.

## Other matters arising from the consultation

Judgement on ‘the experiences and progress of children in care’

We will change our judgement on ‘the experiences and progress of children in care and care leavers’ to ‘the experiences and progress of children in care’. We will remove references to care leavers from the evaluation criteria for this judgement.

Judgement on ‘the impact of leaders on social work practice with children and families’

We will amend one of the evaluation criteria for this judgement to include effective organisational support for the training and professional development of personal advisers.

## Next steps

We will start to make a graded judgement on ‘the experiences and progress of care leavers’ on ILACS standard and short inspections from January 2023.

The evaluation criteria for this judgement will inform focused visits looking at the experiences and progress of care leavers carried out from January 2023.

We will review the implementation of the changes by the end of 2023 and amend the framework if necessary.

## Equality impact assessment

As part of the consultation, we published a draft equality impact assessment. Of the 141 respondents to the online consultation, 25 commented on the assessment. The most frequent comments were that:

- our inspections should consider the impact of the protected characteristics on care leavers and the services for them
- the proposals will help Ofsted meet the public sector equality duty by supporting a more focused and specific evaluation of the experiences of care leavers.
- care leavers could experience discrimination for reasons not covered by the Equality Act 2010, such as being an unaccompanied asylum seeker, having had contact with the justice system or having a mental health need.

We are confident that our equality impact assessment reflects these points and that we have included them in our evaluation criteria.

We will make a small amendment to the ILACS framework to make it clearer that, when inspectors evaluate children’s experiences, they consider the extent to which the local authority is complying with the relevant legal duties set out in the Equality Act.

Several respondents felt that ‘care leaver’ should be a protected characteristic under the Equality Act. We are aware that this is a recommendation of the Independent Review of Children’s Social Care and are waiting for the government’s response to this.



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