

# Reforming children's homes: a policy plan of action

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July 2022

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## Foreword from Dame Rachel de Souza

As Children's Commissioner, I am particularly concerned for the children who grow up in institutions. They form a core part of my work, and I have statutory power to enter such premises and a helpline team, Help at Hand, who provide advice and assistance to children in the care system, including those in children's homes.

I want to see more children living in families, whether that be birth families, kinship arrangements, foster or adoption. The focus of the system should be on supporting children to live with, and stay with, their family whatever form this family takes. With my vision for a care system being where far fewer children are institutionalised

When a child does have to live in an institution, we need to have the absolute highest standards for these children's homes. When we are talking about a place where children live, no failure rate is acceptable. Moreover, these homes do not just need to be excellent in and of themselves, but excellent at meeting the individual needs of each child. A home can be brilliant on paper, but if it is the other side of the country, not linked up to an equally excellent education placement or unable to support a child if their needs change, then the home is not good enough for them.

The purpose of this paper, to look at what children's homes need to provide, *from the perspective of the child*. To set out a minimum set of expectations for every child living in a children's home, whatever their needs or circumstances. It is grounded in the experiences of children within the system

While this paper is not about diagnosing faults in the current system, there is overwhelming evidence that the system is not meeting the standards we should expect. Every day my team is intervening in cases where children are placed too far from home, severing links with friends and family. Where children are in a home, but without the right educational placement to support them in their ambitions. Where children are not getting the right mental health support. Or, perhaps most concerning, where children are being faced with being evicted at short notice and have no idea where in the country they will end up.

In short, we need to have far higher standards about the homes in which we place our children. This paper outlines those basic standards, in terms of what they mean for children.

This is not to say that there are not strengths in the current system. The good children's homes in England are as good as the best in the world (and my team have undertaken visits in other countries to compare). These homes provide exceptional care to England's most vulnerable children, they provide safety, security, and love. They enable children to rebuild their lives and return to their community. Some of these homes are privately run, some run by councils, some run by charities.

The problem is that these experiences are not universal. There are too many homes which are perfunctory, rather than striving for excellence. There are too many children in homes which are too far from home, or not aligned with what they need from education or mental health. There are some children's homes in England which are simply not good enough to ever house a child.

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We need a transformative approach to children's social care in this country, which raises the basic expectations we have of homes, and is more innovative in blurring the lines between institutions and homes, so children can be cared for in an environment which feels like home, while maintaining links with friends, family, and school wherever possible.



**Dame Rachel de Souza**

**Children's Commissioner for England**

## Executive Summary

This paper outlines the core expectations that we should meet for every child in a children's home.

### **1) Every child needing a children's home should find one is available for them as close to home as possible**

Local authorities have a duty to ensure sufficiency of homes for children within their local area. But the reality is that too few areas have local sufficiency, and as a result many children find there is no place for them, and they get moved across the country or put in a sub-standard home. We need to reaffirm the right of every child in care to expect their local council to have a home for them, in their local area.

### **2) Every child should be able to trust that their children's home place will be theirs as long as they need it**

Too many children we work with are expected to move home at short notice. Often children are told that because their needs have changed, they must move homes, and this often means moving across the country. Moving home means severing lots of key relationships and is often highly traumatic. Homes should adapt to children's needs, not vice versa. This means more flexible accommodation, with additional support provided to the child within or around the home, by the local authority and the NHS.

### **3) Every child should be heard, seen and safe**

Children in children's homes must never be unseen or unheard because this creates the conditions for abuse. England has robust and independent inspections of children's homes, but this should only be one part of the protections available to children. Children should also expect regular, in-person, visits from their social worker. They should have a dedicated advocate with whom they can build a relationship, and they should always have access to independent advocacy (such as that provided by the Children's Commissioner) if they ever need to raise concerns about their treatment by staff or others connected to the home.

### **4) Every child in a children's home should be supported to develop and maintain important relationships**

When a child comes into care, their first priority is usually making sure that they will still get to see their family. Children's homes need to support this wherever possible, and regular contact with family should be a basic expectation of every child in a home. This should extend to other people children want to maintain contact with – including wider family and friends. We need a more flexible vision of what a children's home can be – one that opens up the home to a child's family, and is there to support them as well. It should be much easier for children to spend some of their time in a children's home and some time back with parents.

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When siblings are in care together, they should expect to be placed together. Separating siblings should only happen if necessary for their safety, rather than because of a lack of capacity. Separating siblings can be just as traumatic as separating from parents and should be treated with the same degree of seriousness.

**5) Every child in a children's home should be getting education and mental health care**

A child's experience of a children's home is only as good as the overall package of care they receive. The quality of care within the home needs to be matched by good quality mental health care and a high-quality school place which can support the child's ambitions for themselves. Better mental health care is the number one ask we get from children in care, yet most children accessing our helpline service are struggling to get proper mental health care and/or education.

**6) Every home should be giving children the ability to develop and pursue their interests**

Moving into a children's homes can be a disorientating and frightening time for a child. More needs to be done to ensure that a child feels truly at home in a children's home and is able to express their own personality. This means having a say in decorating their own room, in decisions made about the house and in the kinds of activities and hobbies they take part in.

**7) Children leaving care should be supported to stay close and linked to their children's homes**

For children in foster care, there are arrangements for them to 'Stay Put' with their foster carers until the age of 21. The Department for Education has piloted 'Staying Close' for children in children's homes – to continue to get a degree of support from staff in the homes. We want to more children to be able to benefit from Staying Close arrangements, as well as more innovative models of children's homes which allow for over eighteens to stay part of the home.

## Background

In January this year, the Children's Commissioner's office published a vision paper on children's social care<sup>1</sup>, which set out four ambitions for the sector:

- 1) For all children to be listened and responded to;
- 2) For all children to have relationships that are trusting and stable;
- 3) For all children to feel loved, supported and stable; and
- 4) For all children to be able to access practical help and support.

The report outlined what steps are needed to make these ambitions a reality. This involves ensuring that the children's social care system incentivises best practice, empowers those who need help the most, and has the capacity to undertake reform and service improvement, with a renewed focus on *local* provision.

In response to the Independent Review into Children's Social Care, the office highlighted the importance of several themes:

- Stability (and ensuring more children are placed closer to home);
- Join Up (the creation of an integrated support system for children);
- Data and tech (and support for greater spending on data via the proposed National Data and Technology Taskforce);
- Family Support (and the importance of early intervention);
- Mental Health (and the need for more support); and
- Disability (and the need for further focused work from DfE and DHSC on social care).

The purpose of this paper is to focus on the experiences of children living in children's homes and to outline the basic expectations every child should be able to hold as to what a home will provide for them. This paper does not cover the structural changes needed to the system to bring this about, as this was covered in our vision paper where we set out a range of changes we believe are needed to create a system with the capacity to achieve what we set out in this paper. In relation to children's homes, we made the following specific recommendations:

1. **Local and national targets to reduce instability.** This is to ensure a greater focus on sufficiency of placements. At present, one in four children in care experience two or more placement moves across two years. We believe there should be local and national targets to reduce this to less than one in ten children within five years. We have called for this to be backed up by a national

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action plan on instability aimed at meeting the target. The national strategy should aim to improve commissioning, improve local area co-operation, support the voluntary sector to re-enter the children's home market and implement the recommendations of the Competition and Markets Authority.

2. **Reform of Section 22G of the Children Act 1989.** Currently local authorities have to have a sufficiency strategy, with the aim of ensuring all children in care have somewhere local to live. We would like this to be extended to create an explicit statutory expectation that local authority sufficiency strategies should lay out how the local authority will meet their stability target.
3. **Clear accountability for instability and out of area placements.** There needs to be better mechanisms for holding local authorities to account for the quality of their sufficiency strategies and rates of instability experienced by rates of children. We believe the following changes should be considered:
  - a. Making this a core element of the Ofsted local area inspection.
  - b. Whether the Department for Education should establish an independent mechanism to assess local area sufficiency strategies, supported by the Secretary of State making directions if local authorities were not prioritising accommodation for children.
4. **Reform Section 25 of Children Act 1989.** The Act currently gives the Secretary of State for Education responsibility for designating a children's home a secure children's home and making regulations accordingly. We believe this power should be extended such that the Secretary of State had responsibility for ensuring sufficiency of welfare places within secure children's homes. This would be equivalent to the role the Youth Custody Service performs for youth justice. We believe the Department for Education should under-write the risk of providing these placements, but that individual local authorities should still assume the cost of placing a child in a secure children's homes.



## Core expectations

1. **Every child needing a home should find one is available for them as close to home as possible**

### Case Study from Help at Hand

\*Bobby, 15, has autism and complex mental health needs due to childhood trauma. His adoptive parents wanted him to remain with them but could no longer keep him safe. Nonetheless, they were committed to staying in his life and supporting him. The local authority had no children's homes within its area that could meet Bobby's needs and were unable to find one even after a country-wide search. Ultimately, the local authority rented a house and hired staff, as there was no children's home available. The process was extremely stressful for Bobby and his parents and his relationship with them has become more difficult as a result.

*\*name changed*

The most basic duty on the care system is to find homes for those children who need them. This is why there is a statutory duty on all local councils to ensure sufficiency of homes within their local area for children in care:

*"Children Act 1989, Section 22G General duty of local authority to secure sufficient accommodation for looked after children*

*(2) [...] the local authority are able to provide children [...] with accommodation that—*

*(a) is within the authority's area; and*

*(b) meets the needs of those children."*

Despite this, too many children are being placed out of their local area, or, worse still, find there is no home available for them anywhere in the country. Children in children's homes are much more likely to be placed away from their home area than other children in care, and the problem is getting worse.<sup>ii</sup>

Many of the children who we support through our helpline are aware that there is nowhere for them to go, and this is a very unpleasant experience. It also means that when a home is found, children are not given a choice as to whether to go. Children have the right to expect there to be a range of homes available to them so that they can choose a home which they feel happy with. In the first instance, children should always be offered accommodation in their local area, but some children may want to go out of their local area if they do not feel safe. When children

have been placed out of their local area, and often built up a life in a new area, they should be offered the opportunity to stay in their new area.

### **Case Study from Help at Hand**

\*Gemma, 12, has autism and complex mental health needs. She needed to come into care, but there was no suitable children's home locally, so she was sent far away from home. She struggled for several months to adjust to the new home and new staff as well as accepting that her mother could not visit very often due to the distance and cost of travel. It took several months for the local authority to find Gemma a school in her new area. Just as she was given a school place in the new area and was happy where she was, Gemma was told that her responsible local authority now wants her back in their area. Gemma will now have to uproot her life again.

*\*name changed*

## **2. Every child should be able to trust that their children's home place will be theirs as long as they need it**

### **Case Study from Help at Hand**

Amir\* is a child in care who has disabilities. His children's home served 28 days' notice on his placement meaning that he needed to leave the home. The reasons for this are unclear. The home asked the local authority not to tell Amir as they were worried his behaviour would be challenging on hearing the news. The local authority complied with this request. He found out about the move with 24 hours' notice. The local authority had not been able to find an alternative children's home within the notice period and found an unsuitable unregulated provision far away that could not meet the needs of his disability.

*\*name changed*

Having to move home against your will is one of the most traumatic things that can happen to a child in care, not least because it usually means having to end one set of close relationships and begin another from scratch. For some children this can mean the complete and instant severing of relationships with the only people they have seen regularly for some years. This currently happens regularly, about one in four children in care currently experience two or more moves (meaning they have lived in at least three different homes) across two years.<sup>iii</sup>

Quite simply, we need to re-set the system so that children can have confidence that their home, is their home. The expectation needs to be that the local authority and the NHS will provide additional support within the home to support children as their needs change. There are really good examples of this in the country, where specialist local authority teams support homes, or

where NHS services upskill care home staff to deal with more difficult behaviours. These approaches need to be more widespread. All the changes outlined in our vision paper for children's social care (and repeated in the background section to this paper) aim to achieve this end.

#### **Case Study from Help at Hand**

\*Martin took a long time to settle into his children's home because he struggles to build trusting relationships. It was a supportive setting and he made progress. However, after he reached 17, his local authority was keen to move him into semi-independent accommodation. Martin was very reluctant due to the big change, the location of the new accommodation and the overall quality. However, he was told he would have to move there, or alternatively he would be offered a hostel place. He ultimately agreed to move but found it difficult to settle and did not engage with the support workers in the new accommodation because he felt there was no point in doing so, or in building up a relationship that would end again.

*\*name changed*

### **3. Every child should be heard, seen and safe**

#### **Case Study from Help at Hand**

\*Molly contacted us because she felt unsafe in her children's home due to another young person's violent behaviour. She said staff in the home didn't know how to handle this and weren't keeping her safe. She felt her social worker and the team manager weren't listening. Help at Hand intervened but the local authority was slow to act and said the only alternative was for Molly to move into semi-independent accommodation, which she didn't feel ready to do.

*\*name changed*

Every child in a children's home should be safe, and this cannot be assured unless children are seen and heard by those outside the homes. As investigations by the Independent Inquiry into Child Sexual Abuse have demonstrated, the conditions for abuse, whether that be sexual, physical, or emotional, are created when children do not have an independent voice. We need processes in place to help children speak out, but also work to be done with children so they can be confident of speaking out. In particular, we want to see:

- All social worker visits to children in children's homes (which are proscribed by law) to be done by a social worker the child knows. Our experience is that these visits are often conducted by agency staff who the children do not know.

- Every child in care (including social care) to have a named advocate who the child knows, trusts, and has a relationship with. This is particularly important for children with disabilities, for whom specialist advocacy will be needed, sometimes a non-instructed advocate will be needed.
- Every child entering a children's home should be provided with a welcome pack of key information, including where they can get advice, and details of how they can speak to someone, including details of the Children's Commissioner independent Help at Hand service. On our visits to homes we often find children are not provided with this information, and many of the children who do contact our service tell us they wish they had known about us earlier.

#### 4. Every child in a children's home should be supported to develop and maintain important relationships

##### Case Study from Help at Hand

\*Connor has complex physical and mental health needs. He lives with his parents, but they desperately needed short breaks to help them manage him. This was something Connor also wanted, and it was recommended by his clinical psychologist. The local authority said it was not able to identify any suitable short break placements in their area or surrounding areas, and Connor was without respite for a year after asking, leading to a serious escalation in his behaviour. Ultimately, the local authority found a place, but this required moving other children.

*\*name changed*

When asked about what is important to them, children and young people living in children's homes responded:

*"staying with my family more"* – Boy, aged 8.

*"to have a lovely family an [sic] have a big house"* – Boy, aged 8.

*"to have nice friends"* – Girl, aged 7.

*"I feel like children in care are treated differently to people who live with their biological family. But we are the same as other young children."* – Girl, aged 14.

Family is just as important to children living in care as it is to other children. While it is sometimes necessary to separate a child from their parents for their safety, supporting the child to maintain those family relationships in whatever way possible is vital. The Independent Review of

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Children's Social Care rightly calls for every child leaving care to have two loving relationships either with professionals, or with their own family members.

Children's care plans will set out which family members children should be having contact with, but we want to see more emphasis given to children's own views on exactly who in their wider family they want to see regularly. Children's homes must demonstrate how they will be able to fulfil children's wishes in this respect, and local authorities need to support this. We have intervened in several recent cases where the children's home has been willing to facilitate contact with family, but the local authorities will not agree to this without a social worker or contact supervisor present. This can result in contact being restricted, which has a significant impact on children's wellbeing and sense of normality.

To achieve greater integration between families and children's homes, we need to be able to blur the lines between living in a home and living with family. There are several innovative models doing just this. Some homes operate a 'shared care' model where children spend some of the week in a children's home, and some time back with family. This is common in other care systems but less so in the UK. With similar aims, the Mockingbird approach, blends the lines between fostering, children's home, and families through a constellation system of interlinked families, supported by a specialist hub. Based on a well-evaluated US model, the Mockingbird approach started in England in Doncaster, and is now being supported by the Department of Education to be rolled out to more areas.<sup>iv</sup>

We also want to see a greater emphasis placed on keeping brothers and sisters together. In Scotland, legislation was recently introduced which makes clearer that children should be placed together wherever appropriate<sup>v</sup>. For some children, their relationship with a sibling will be the most significant relationship in their life, and it is not acceptable that this relationship should be severed due to a lack of sufficiency of placements. As we outlined in our vision paper for children's social care published in January 2022, additional statutory protections should be considered to ensure that separation from a sibling is a last resort.

## 5. Every child in a children's home should be getting education and mental health care

### Case Study from Help at Hand

Rory\* is an 11-year-old boy with Autism Spectrum Disorder who is growing up in care. Last year he was living in a children's home when the home evicted him at short notice. Rory had to leave at such short notice he missed his last day at primary school. Rory's local authority had nowhere for him to live locally, so he was placed in another children's home as an 'emergency measure'. Five months later Rory was still in this 'emergency placement' away from home. He does not know where he will be living next, or when he will move. Moreover, because Rory's placement was deemed to be a temporary measure, no school was found for him. Rory's children's home contacted the Children's Commissioner's Help at Hand service and after they intervened, the local authority finally agreed that Rory could stay in the home and a school was found. Rory was out of school for more than 8 months.

*\*name changed*

Children in children's homes should be able to expect a first-class education and mental health care as a given. The reality is that many children are moved before a school placement is found, or without a plan for their mental health care. Moreover, the current system often disadvantages them relative to other children, this is because children in children's homes are more likely to be placed out of their local area meaning:

- 1) They have to re-register with a new GP, and be re-referred to specialist health services and Child and Adolescent Mental Health Services (CAMHS). We have met children who have been repeatedly moved, each time moving to the back of CAMHS waiting lists, meaning they never get treatment.
- 2) If children need an Education and Healthcare (EHC) Plan this does not automatically transfer to their new area, as the new local authority is responsible for this.

To tackle this, we need:

- 1) No child to be placed in a children's home without a suitable, high-quality school placed being in place.
- 2) Children to continue to have their EHC Plan provided by their home local authority, and for it to continue in their new placement.
- 3) Children in care who have to move area to be transferred between NHS services without having to be re-referred.

**Case Study from Help at Hand**

\*Gareth was moved to a children's home out of his local authority area following a traumatic breakdown in his foster placement. He has an Education and Healthcare Plan but there was poor communication between local authorities, and he was out of school for more than 6 months. Staff in the home tried to provide activities and education, but due to Gareth's Autism Spectrum Disorder and the disruption of the move, he found it hard to focus and had some violent outbursts. He said he wanted to go to school and have friends, and that he felt lonely. After Help at Hand involvement and ongoing commitment from care home staff, a special school place was found for him locally.

*\*name changed*

**6. Every home should be giving children the ability to develop and pursue their interests**

*"The key things he wants to get across that stop young people in England [from achieving their aspirations] is older people not understanding that we live in a different time, the 2000s is about social media, gaming, video chats, not walks in the countryside or watching Eastenders, its [sic] gaming and chat[ing] online, older people need to catch up." – carer of a Boy, aged 15, from Wirral living in a children's home.*

When a child moves into a children's home, it should be clear that they are moving into a home, where they can express themselves, not an institution. While children's homes are required by regulation to have a homely environment, not all are equally good at achieving it. Children should be given the freedom and money to make their rooms their own, to make them feel this is truly their own space. They should be given a say in making decisions about the house – for example, many children have told us that they would like their home to have a pet, and this should be supported wherever possible.

Children should have access to the internet and to social media whenever appropriate, so as not to increase the social isolation and stigma they often feel as a result of being in care. There should be no blanket rules about social media access, with the risks to each child considered and treated separately.

While regulations already state that children must be supported to pursue activities, we want to see more focus given to their choices – their particular interests and hobbies should be included in care plans, and homes should have to detail how they will support them, including the budget available for them.

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## 7. Children leaving care should be supported to stay close and linked to their children's homes

*"Birth children stay with their families until late 20s and even into their thirties; as children in care we do not get this opportunity. setting us up to fail"* – Girl, aged 15.

Children in care have often experienced huge amounts of instability – moving from placement to placement, changing school, changing social worker. The moment they come to leave care can therefore be particularly frightening, and too many care leavers end up living in unacceptably poor conditions.

Children living in children's homes face a disadvantage compared to those in foster care, as they are not entitled to 'Staying Put' arrangements which allow them to stay on in a placement until the age of twenty-one.

In response the Department for Education is piloting a programme called 'Staying Close' – where children are supported in accommodation close to their children's home by staff from the home. We are pleased that more areas have been given the possibility to fund Staying Close arrangements, but would like to see this placed on a statutory basis as soon as possible. Careful consideration should be given to how children living in supported accommodation could also benefit from continued support from trusted staff.



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## Conclusion

As the case studies highlighted in this report demonstrate, too many children in England's children's homes are being let down by a system which is failing to find them somewhere decent to live, close to home and that meets their needs. We need local and national action to address this. But there are also strengths to our current system: there are excellent children's homes in England, we have a robust and independent regulator, and we can see the first signs of innovation in how we provide homes for children in care. We need to build on these strengths to re-set our expectations of the system, so that every child can expect to find a home that meets their basic needs and provides the foundations for them to build their own life.

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## References

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<sup>i</sup> Children's Social Care – putting children's voices at the heart of reform, *Children's Commissioner for England*, January 2022, [link](#)

<sup>ii</sup> Stability Index 2020, *Children's Commissioner for England*, November 2020, [link](#)

<sup>iii</sup> Stability Index 2020, *Children's Commissioner for England*, Nov 2020, [link](#)

<sup>iv</sup> Mockingbird, *Trust Fostering for Doncaster Children's Trust*, accessed July 2022, [link](#)

<sup>v</sup> Keeping brothers and sisters together, *Scottish Government*, 16<sup>th</sup> July 2021, [link](#)



**Sanctuary Buildings, 20 Great Smith  
Street London, SW1P 3BT**

020 7783 8330

[www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)

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