

Care Matters Seminar, Summary & Report

December 13th

Overview

In order to collate information and to exchange expertise and best practice Children Law UK convened a seminar to discuss the green paper 'Care Matters' and to invite delegates to contribute to the response within its short turnaround time. The seminar was held in the afternoon of 13 December and was chaired by Natasha Watson, Managing Principal at Brighton and Hove City Council's legal department.

The conference proceeded as follows:

1) Introduction by Natasha Watson

Natasha Watson gave an introduction to the seminar and reminded delegates that it would be necessary to bear in mind exactly what the processes of Care Proceedings are designed to achieve and therefore we should consider whether any of the proposed changes would do just this. She also reminded delegates that calls for the new legislation and practices had all stemmed from the Victoria Climbié report.

Delegates then watched a CAFCASS DVD concerning children's views regarding the openness and transparency of proceedings and how they felt about these proceedings.

2) Professor Carolyn Hamilton

Professor Hamilton of the Children's Legal Centre (CLC) introduced herself and explained that CLC offer legal advice to children as 'litigant friends' or 'next friends' in court.

Some of the issues then addressed included:

- ∞ Care plans that have not been implemented.
- ∞ The constant relocation of children without consultation. These children need independent advice and in a number of cases the local authorities have prevented them from obtaining such advice.
- ∞ Foster carers have been known to act as 'next friends' even for children who are not Gillick competent so they can instruct the CLC on behalf of the child. This has been clarified in the 2002 adoption act.
- ∞ The Green Paper ignoring the children that are most in need.
- ∞ Issues not tackled in the green paper including; 14-18 year olds, reasons why it is not always possible to keep the children with their families, are these changes just cost cutting or is it really based on fundamental philosophy and research?
- ∞ There is some evidence that the local authorities are avoiding taking children into care and especially the 14-18 year olds who themselves prefer to stay with a friend than remain in a foster home. This can be backed up by data that shows that some local authorities have no Looked after children and others have too many between the ages of 16-18.

- ∞ Most children who go into care later have been involved with the Social Services when much younger.
- ∞ Conflict in the Green Paper. Those who are in the care system are going to be left in an even more vulnerable position.
- ∞ Children who fall through the holes created by section 20 (1) and section 20 (3) e.g. Case of Berne v Hillingdon Council 2003.
- ∞ Government targets have placed the LA in an insidious position. There is not enough support for those in supported lodging or semi-independent lodgings. A caretaker and a bed is not enough for these vulnerable young people. Do we just need to provide a roof over their heads or do we need to offer something more?
- ∞ Latest Developments:
 - Announcement by Ruth Kelly
 - No child to be placed in bed and breakfast by 2010 unless it is an emergency
 - More supported lodgings?
 - Care proceedings review – reduce the number of children in care
 - Public bussing? Not going to work and too unsettled – where is the supported lodging located?

How will the green paper deal with all the issues? Is there a government plan to reduce taking children into care should children stay with their families or kinship carers, are there financial issues effecting these cases?

Points raised in question time:

- The need to include children in making decisions for their placements.
- In the youth court one comes across offenders where there is no one is responsible for them.
- It is very worrying that children are floating around without a committed carer.
- When children leave the system they don't have any income and then they often steal. Girls often end up in prostitution and boys end up in juvenile court.
- We should not aim to reduce looked after children, we should reduce the reasons for taking them into care
- The importance of independent advice e.g. advice lines. There is nothing in the green paper that allows people to take independent advice. Worries that it is being kept in house.

3) Dr. Carolyn Gaskell and Jerone Marques From Kids Company

Kids Company

Kids Company has three projects:

a) Schools. There are 8000 kids seen in schools across London and being offered therapeutic treatment and social work support.

- b) The Arches. There are 1600 kids using the drop in facilities of the Arches who self refer.
- c) The Schools Academy. 150 kids attend the academy's that small work shops.

Dr. Carolyn Gaskell

- Going into care is a traumatic event for each child.
- The view is that local authorities are failing as corporate parents.
- At year ending March 2005 – 60,900 children were in care
 - Children are emotionally vulnerable when they enter care. 63% of children enter care due to abuse or neglect, but all children have had some aspects of their nurturing neglected.
- Leaving care
 - Around 6000 children will leave care every year
 - Of these, 4500 will leave without qualifications
 - 300 will be unemployed within two years of leaving care
 - 2100 will be mothers or pregnant and 1200 will be homeless
- GP style social work practices increase commitment of social workers.
- She interviewed 8 kids leaving care to find out what they wanted from the care system. The answer was:
 - Stability
 - Security
 - Service-user participation
 - Aspiration
 - Care
- Stability. They want to be settled once they have been moved from their home and not feel like a nomad
 - Government wanting to reduce the number of placements
 - “one week you’d be in one place, come Monday you’d be trying to get to school from a different place”
 - after being uprooted from their own family, children have a desire to settle without the threat of constant moves.
 - “I was lucky, I didn’t have to move that much. It’s the moving that messes you up”
- Security. They want to feel safe in the new place and feel that they have to lock their room
 - “you know, you had to lock your bedroom door when you went to the toilet. They call it a children’s home, but it wasn’t really a home”.
 - In order for children to achieve they must feel safe.
- Service-User Participation. They want to be heard and understood and their requested acted on
 - “I told social services ‘ I didn’t like God people’ and they sent me to live with a pastor and his wife! I mean what were they thinking? So I ended up running away again”
 - Individual needs should be met and there is a huge diversity in this country.
 - This diversity can only be understood by talking to them and listening to what they want.
- Aspirations. Somehow there needs to be a consistent adult there for each young person.

- “People need to have higher expectation for kids in care. If I’d had a really strong person behind me pushing, pushing, I wouldn’t be where I am now”.
- Children need a consistent adult in their lives to recognise their successes and failures.

□ Care. The perception of care by the young person has to be recognised by the carer. A lack of care reflects the greatest failure of the care system.

- “At least in a foster family I felt loved man, in the children’ home I felt hated by all the staff. It was just their job. They didn’t care”.
- Most important is to support children’ emotional well being.

□ Ultimately, through the experiences of unstable and insecure placements, we can identify a failure to include young people in the design of the system. **Lack of care is the biggest failure for looked-after children. This must be addressed in order for government proposals to be successful.**

Jerone

Jerone is a Youth Consultant for Kids Company and was a looked-after child himself. His experience of care involved 5 social workers in 3 years. His after-care service involved 4 different personal advisors.

He described the Green Paper as ‘just pushing paper’ and asked, **‘if they know all of this why isn’t anything getting done?’**

□ Care system is an advantage as well as a disadvantage. At least you are in some kind of care and not left on the street. He went and stayed with a friend and then his mother beat up his friend. He has been in care since he was 3 and left care without any qualifications. He talked of a, ‘War on young people on a day-to-day basis’.

□ Stereotypes

- Mother didn’t want you
- You are a bad person
- People don’t look under the surface and take the time to figure out why you are in care

□ Vision for care system

- Have dedicated and retrained social workers
- Foster care should be seen as a profession and to be recognized for doing the work that they do
- He was once moved from good house because foster parents were having friends over who hadn’t had a police check
- 1 month – 4 or 5 places
- to this day doesn’t feel stable

Dr. Carolyn Gaskell:

- Looked after children want to be consulted, listened to and have their individual needs met.

- If the child is to feel cared for by the social worker, **they need regular contact.**
- We need better training for foster carers and better matching of children to foster families
- The focus on systems and structures means that service-user participation and the need to feel cared for are not sufficiently addressed within the Green Paper.

4) David Patterson, Director- “Rural Foster Care Ltd.”

- Demand for placements is expected to grow until 2010 – supply driven by IFA's
 - Increase in payments by Local Authorities
 - Barriers are still in place – poor commissioning, lack of access to useful data on vacancies, mistrust, not on a level playing field, lack of transparency on costs, not seeking best value in its fullest sense. All lead to preventing Children's Needs being met.

- DATA
 - Growth rate in fostering due to children staying in care longer and reduction of residential facilities in preference or fostering.
 - Increase in new placements due mainly to 10-12 year old age group

- Mixed economy
 - Commissioning and contracting
 - Working together
 - Regional Centres of excellence and regional commissioning strategies
 - Research wants – if more small agencies become fewer large agencies, diversity is reduced. Tight contracts lead to IFP's becoming agents of the state and lack of innovation
 - Relational or soft contracting – spirit of contracting rather than the letter of the law
 - Best value cost plus outcomes, added values in terms of extra services in contracts, which deliver quality for Children

- IFP's are constantly reinvesting in and continuously looking for way to develop better ways to meet their needs

- Care Matters
 - First government paper looking at privatising social services – independent SW practices – supposedly unimpeded by LA
 - Professional Foster Care – some IFP's and LA's already offer this – but to the few
 - Tiered carers – already exists to some extent
 - Increasing specialization
 - Foster Care should be forced to move to until 21

- How to get there
 - Foster Carers are the most important people in lives of young people looked after
 - More important than any of these in support networks
 - Must be properly funded, supported and properly trained

- Training 1
 - All LA's and IFP's have good quality training programmes to a point
 - Basics are covered

- Training 2
 - Increasing specialisms will require increasing specialist courses to National Standards e.g. managing autism, ADHD
 - A number of Rural Foster Care Carers are doing an online Btec - Diploma
 - Other courses are beginning to feed out from the universities such a Diploma in Therapeutic

- What do the Children want?
 - Stability of placement, social worker, a care plan and placement
 - All of which leads to better chances of improved health and improved educational attainment

5) Open Forum

No one seems to be available to do intensive work with the family. Very often cases drift around for years before a decision is made. We have trouble with the local authorities doing the initial assessment and when it does happen, it is he said blah blah and that's it. The Informal resolution part is also messy but it is the time before the proceedings that is the problem.

The Green Paper needs to focus on the children who fall out of the care system. Often it is undesirable to have to discharge the care order but it is the only way to reopen the care proceedings, particularly as Judicial Review is difficult.

Independent Reviewing Officers (IROs) are now the social workers that have done the worst practice. IROs are part of the Local Authority; the idea is that they have the knowledge of which bureaucratic power buttons to press. They know whom they need to talk to in order to get the decisions made. The problem is, how robust can accountability be if it is within the same organization.

There is nothing within the reforms that have been carried out through the home office that remotely respond to children. They look at cost, not outcomes. They don't look at stability. They look at removing the child from the UK at the first possible opportunity. It does not address the needs of in care children and throws the response back onto the home office.

Grandparents going through special guardianship. Their lives will be bogged down with police checks and things when they have visitors. Risks to the child of embarrassment when others have to have police checks before they can visit regularly. It is not safe for the child.

In the process of assessment, the questioning is so personal that they forbear having any relationships and that in order to get the tick boxed right that they have to have a lifestyle that they would not have otherwise chosen.

Everyone should have a mentor for 2-3 hours a week. Just for a sense of stability. A child of 11 or 16 shouldn't know about advocacy but the mentor would know. The mentor could go back and make the problems apparent.

The young people that we have talked about that fall through the net, it's about giving them someone they can form a relationship with. It's an intense relationship. Every 6 months is not going to do a great deal in building a relationship. They need positive relationships to build self-esteem and it takes time. For some kids it takes 6 months, and for some it may take years. It's about sticking with it for years. Camilla has written a book, "shattered lives".