

President's address to ADCS Annual Conference 2023

11.00 – 11.30am Thursday 6 July

Welcome

Colleagues, welcome to the ADCS annual conference 2023, it's great to be here with you in Manchester. I'd like to extend a warm welcome to those 113 ADCS members joining us for the first time, I hope you enjoy conference. I am delighted to welcome the Minister for the School System and Student Finance, Baroness Barran, to the conference along with representatives from the DfE and our press colleagues. I am grateful to Children and Young People Now, for sponsoring the ever popular ADCS Little Blue Book, which you will have received as you registered for the conference.

Children's social care

Everyone in this room will be aware of the government's response to the independent review of children's social care, Stable Homes Built on Love, so I'll skip the explainer. In essence, it sets out a blueprint for the future of social care, most of which ADCS has welcomed. The timing, however, is a little tricky for reforms, given where we are in the parliamentary cycle and slap bang in the middle of a spending review period. Post publication of the care review, I think we all had high hopes that we were working towards a big bang set of overnight reforms with associated funding - remember that £2.6 billion for implementation? As usual, life had other plans and we're about to enter a period of piloting, pathfinding and consultations, consultations, consultations.

Following the publication of the final report of the independent review just over a year ago, ADCS urged government to take swift and decisive action on two fronts.

Firstly, the proposals contained in the consultation on the social work workforce offer a sensible route away from the unaffordable costs and let's face it, blatant profiteering, that's associated with agency social work and in particular, the growth of project teams. The sector as a whole has rallied behind the proposals, as have children and young people. We remain committed to working with government on implementation of the full suite of proposals. I recognise it is not an easy set of reforms to deliver, especially with the inevitable lobbying from those with a vested interest, but we must hold our collective nerve.

Secondly, placements – loving homes for the children in our care. Stable homes built on love not only responded to the independent review and a national learning review, it also considered the findings of a market study by the Competition and Markets Authority. The CMA's verdict was unequivocal, the placements market is dysfunctional. Let me remind you of the three main findings: there aren't enough placements of the right kind in the right place; the market does not function effectively - the largest providers are making materially higher profits and charging materially higher prices; and the levels of debt associated with some of the largest providers is a real risk to the stability that children in care experience.

The CMA said, and I quote: “The UK has sleepwalked into a dysfunctional children’s social care market. This has left local authorities hamstrung in their efforts to find suitable and affordable placements in children’s homes or foster care.” I would argue that the obvious reason for this is that providing stable homes built on love for the children in our care is not a market and treating it as such has led us down the path to where we now find ourselves.

The government has accepted all of the recommendations made by the CMA but yet there isn’t a strategy that delivers on them; Regional Care Cooperatives have been put forward as the panacea. I can say with certainty that RCC’s, as currently defined, will not address the issues that ADCS has been raising for a number of years, which have now also been voiced by the CMA.

I won’t rehearse our concerns about the concept of regional care cooperatives but will say we have offered up some constructive challenge to government and set out an alternative vision for the RCC concept. This includes a summary of the prerequisites for success which must be delivered nationally, which we believe will help us to deliver for children and young people. A set of national conditions for success need to be in place before we can even think about trying to implement reforms, these include a workforce plan, a multi-year funding settlement, a more ambitious capital programme and possibly most critically a move to bring regulations up to date – it’s been two decades since the last substantial review and the world has changed a lot in that time, not least the needs of children and young people and how we respond to them.

Placements, places for children in our care to live, are such a critical plank of the reform programme that we can't afford to get it wrong, and I don't just mean in financial terms. The lack of sufficiency and the associated challenges this brings are unprecedented and I fear that we will reach crisis point before we are able to reap any of the wider benefits envisaged by the reform programme.

Conference, the number of children in care has increased year on year and yet the capacity across the system to care for children has not kept pace. LAs and the third sector retreated from delivery of homes some time ago and the private and independent sector expanded to create a 'market'. But this isn't a market, is it?

In market economics, the simple response to demand is to increase supply. However, in a system where some of the biggest providers are bank rolled by global private equity firms, is it any wonder that supply is stifled and decisions based on favourable business models rather than children's needs or outcomes determine whether our children can stay in their home? The risks and real life implications for our children and young people are becoming increasingly untenable and we owe it to them to get this right.

As the sole purchasers of placements, at first glance it may look like we hold all the cards, but that just isn't the case. Local authorities desperately need the full backing of government to shift not just the narrative but the reality. The majority of care placements are provided by the independent sector, the risks of flipping a switch or turning off a tap are too great for us to carry alone and the consequences for children

in terms of disrupting settled, stable homes, cannot be understated. And this isn't a "private bad, public sector good" argument either, we've long operated in a mixed economy, but the balance has tilted much too far. The proposed windfall tax on the largest providers wouldn't have raised a transformative sum but it would have sent a clear message of intent out into the system, and to children, about what matters most and the direction of travel.

But I don't want to be all doom and gloom, it is an overlooked and under discussed fact that many children have a positive experience of care, it is a protective factor and many thrive in our care before reuniting with their family or progressing to a successful adult life. One of the opportunities in Stable Homes that has the potential to make a real difference to children and families is the commitment to publish a kinship strategy by the end of the year.

This is a really exciting opportunity and if we get it right, it has the potential to change the way we work with a significant proportion of children for the better. Where extended families are able to look after and care for children, and it is in the best interests of children, this should happen. Unfortunately, the framework in which we operate at the moment doesn't easily allow for that, and where arrangements are brokered informally without any local authority involvement, families may not be eligible for any form of support at all. There's also a lot of confusion out there about the nature and status of kinship carers. When someone is an adopter, there is an immediate understanding of what that means and the support that comes with it, but that isn't the case for kinship care.

We need to make the system more straightforward for those families who want to care for their own, considering the culture we need to build around kinship and the legislation and regulation needed in this space. We also need to think hard about what financial support carers need and how this should be delivered; particularly in relation to the role, responsibilities and accountabilities of local authorities. And finally, what should the entitlement package for kinship carers and the children they care for look like, both at a local and national level.

Entitlements could include things such as access to pupil premium plus funding, priority school admissions and access to the adoption support fund, or something similar, to support long term needs and promote the stability of kinship arrangements over time. These are all details we need to tease out, with the help of children and families, but it really does feel like an opportunity to make a real difference to a group of carers and children who haven't previously had enough focus and attention. The reforms here could represent a once in a lifetime opportunity for change.

For a small but not insignificant number of children and young people, they are unable to live with their families but the care system as it stands does not meet their needs. Post-Covid the needs that are prevalent for some of our children are more complex and multi-faceted. For a significant period of time, we lost the opportunity to work with families earlier to prevent crisis, or this work was disrupted by lockdowns and enduring restrictions meaning it didn't have the desired effect, or where change was achieved, this wasn't sustained. Too often we do not know

about young people until they are near or in crisis, at which point our opportunity to intervene to prevent family breakdown has sadly passed.

We need a programme of significant investment, implemented at pace to boost placement sufficiency but it needs to deliver the right kind of placements, in the right location; and even if we found the mythical magic money tree, change cannot be achieved by local authorities in isolation. This impacts some children more than others and it has been clear for some time that the offer to children with the most complex and overlapping, health, education and social care needs often falls well short of our expectations.

The current regulatory framework in which we operate hinders our ability to be innovative, flexible and child centred in our responses, it is too focused on buildings and cannot yet take into account the changing profile of providers or the very complex care needs of some of our children. A sharper focus on the financial stability of providers will be part of this picture in the future as part of the response to the independent review. The ongoing reforms to regulate supported accommodation and remove any ability to operate outside of the regulated arena, while done with the best intentions, has hindered our ability to be responsive and has ultimately pushed more children into the court arena. There has been a near 500% increase in the number of applications to deprive children of their liberty in recent years, many of whom have multiple overlapping needs, who have experienced significant trauma, earlier childhood abuses and more. If this isn't a burning platform for change, I'm not sure what is.

Health

I believe that part of the solution to many of the challenges we along with our children and young people face, lies in how we work with our partners in health to get a better deal for children. In my inaugural speech, I questioned whether now is the time to start considering what a future integrated health and social care approach could look like for children and young people. The NHS is the bedrock of our society but it is in peril. And, given the to-do list includes a backlog of over seven million people on the waiting list for care, a recruitment crisis, a crumbling infrastructure and yet another restructure, children never quite seem to get to the top of the priority list. Unfortunately, I can't see that changing in the near future.

Too often children's rights and needs are overlooked in all age responses, or overtaken entirely by the systemic issues and challenges, some of which I've already mentioned. Integrated Care Boards seemed to hold the tantalising promise of a new way of doing things, to change this status quo, but sadly it feels like this opportunity is in the process of being lost. We must not allow that to happen.

At the risk of sounding like a broken record, I once again want to call for a national review of the children's mental health and wellbeing system. While stretched resources and ever rising demand are preventing support from being delivered as efficiently as we would all like, the challenge is broader than this and we need to reset the system. It is clear it is not working for children and young people and mental health is

always the top issue children raise with us. We have a duty to respond when they tell us it's not good enough.

At present, the social care system has the potential to be overwhelmed as more and more families turn to children's social care because they can't access children's mental health assessments, never mind treatment, and parents feel they can no longer keep their child safe. A single agency response is not the right response to a child in a mental health crisis and this is where a more integrated, social model, one that is reshaped around need rather than service structures, could make a real difference. We have seen how the integrated approaches such as the Better Care Fund have worked in adult services and if we are to reset the system, that sort of approach could easily be applied into children's services.

The DCS as system leader is ideally placed to lead new arrangements for place-based decision making, with the resources to match, which gives priority attention to children and their needs. What's stopping us making this change? To me it is the only option.

Migrant children

While I am on the subject of change, we urgently need a new conversation with the Home Office and the Department for Education about migrant children, one that is conducted in the true spirit of co-production and focused on the system as a whole. Every year, as the weather improves and more small boats arrive, we have the same conversations and crisis response. More recently, the pressure hasn't

been as seasonal, it's been constant as we try to manage the demand on children's services created by Home Office asylum hotels, and soon to be created large adult asylum sites. Some aspects of the current system need urgent change, it's simply not acceptable that age disputed young people from Home Office commissioned hotels are treated as spontaneous arrivals to host local authorities, this is clearly not the case. They have been placed there by the Home Office so there is nothing spontaneous about it and the disproportionate impact on host local authorities is becoming an increasing issue we need to revisit now.

We need to go back to basics and start to develop a system that recognises the large numbers of migrant children and age disputed young people. We need to be properly resourced to meet the needs of this group of children and young people and there must be wider recognition of the demand this places on children's services.

Our current approach to age assessment was last reviewed in 2015 and is based on case law from 2003, with so much having changed since then. The final report from the Committee looking at scientific methodologies for assessing age was published earlier this year and we need to embrace new technology. While scientific methods can't solely replace what we currently do, we need to explore the opportunities this can offer to support a swifter process while also reducing the increasing demands on our social work workforce, especially if the National Age Assessment Board is unable to fulfil the purpose for which it was established.

It's not just about age assessments, we also need a conversation about resources and capacity that includes funding and market development so we have the mechanisms to support migrant children going forward. ADCS is ready to work with government on this, but it must be in partnership. It is not acceptable to fall back on legislation, written in a different age, to shunt the consequences of national policy onto local government. We must have a collaborative approach that is based on what is best for migrant children, and provide local authorities with the resources to deliver against that.

Inclusive education

One of my priorities for the year ahead is to articulate what a truly inclusive education system looks like and I'm delighted we have the Minister for the Schools System and Student Finance here with us today. To date, we have not had the required focus on the barriers children face in accessing mainstream education so we are no further in breaking them down.

Schools sit at the heart of our communities, they are not just places where children and young people develop academically, but also socially and emotionally; we only need to look at the impact of the pandemic to evidence this reality. I do worry that as those dark days of the pandemic begin to fade into the background, there is a risk that our collective focus on recovery and reset will wane.

For children and young people, the impacts of the pandemic were in many ways greater than for us adults. They were broadly at lower health risk but they willingly gave up their educational experience and social

development to protect the adults in their lives and their local communities. Outside of health and social care settings, the disruption to places of education extended far beyond initial lockdown periods. Who amongst us, either professionally or personally, can forget the herculean efforts required to manage bubbles, navigate staggered drop off and pick ups, new handwashing regimes, segregated playtimes, and cancelled events and activities?

In many ways this broke the social contract between parents, children and their schools. The impact is clear to see in the ongoing levels of persistent absence, in the reports from schools about disruptive behaviours, in difficult transitions from primary to secondary school, in levels of worry and stress about sitting exams for the first time. In many cases we don't yet know what's learning loss or developmental delay and what's new need. An inclusive system of education needs to recognise these challenges; a long term national plan is needed to support children to recover from this experience.

Education is about so much more than the acquisition of qualifications, it should prepare children and young people for independence, whatever that may look like for them, and equip them to deal with the multiple challenges life will inevitably throw at them. We know that children and young people are less likely to achieve good outcomes or continue with further studies if they are detached from the education process.

A narrow, academically focused curriculum does not serve our children and young people well. We need a diverse offer which draws children in and maintains their engagement by allowing them to follow their

interests and develop to their full potential. We need a curriculum that children can relate to and one that feels relevant to them and their lives, both now and in the future. If we are serious about resolving the problems we are seeing in attendance, engaging children positively in their education is essential, rather than falling back on traditional behaviour and attendance policies.

In order to do this, and do it well, schools need to be appropriately funded and have access to a strong and sustainable workforce. We also need to ensure there are the right levers in the system to bear influence. Inspection regimes need to recognise and reward true inclusion, set within an accountability framework that appropriately aligns with the responsibilities each of the partners holds, and not just at the local level. The principles set out in last year's Schools White Paper are the right ones and the accompanying Schools Bill offered a legislative vehicle to deliver significant change. There's currently no clear roadmap to achieving these aims in the short term, but I remain hopeful that the work taking place under Baroness Barran, which started with the Regulatory and Commissioning Review last year, will set us in the right direction.

It's impossible not to reflect on the SEND system when considering truly inclusive education, they are two sides of the same coin. Since the Children and Families Act 2014, we have seen a rapidly increasing drift away from inclusion in mainstream schools, and at the same time an over reliance on independent specialist provision. Education, health and care plans were only ever intended to better meet the needs of a small cohort of children with more complex health and learning needs who

required support across the three domains, they were not designed to be akin to supercharged SEN statements but yet they are now seen by many as the only gateway to access any form of additional support. Since 2017, there has been a 77% increase in the number of initial requests for an EHCP, there has been a 23% increase in the past year alone. The level of demand in the system is not mirrored in the allocation of resources. Amassing cumulative deficits is not a sustainable or desired solution for either local or central government, nor is a temporary statutory override, albeit I recognise that without it, many local authorities would be immediately bankrupt!

The SEND Review: right support, right place, right time, produced a clear and shared narrative about the challenges in the system, however I'm not sure we have landed on a good enough narrative as to how we will address them. There isn't a policy solution to the cost and demand that is set within the current system, and baked in for many years to come, without significant national intervention and legislative reform. There is also no clear agreement on how to address the underlying issues due to the conflict that is endemic in the current system.

Before I come to an end, I want to touch on one of my stated presidential priorities, ADCS as an inclusive and diverse association. Both the government and the sector have acknowledged the disproportionality that exists across children's services, whether that be in the high rates of intervention in areas of increased deprivation, the rates of young black men in the criminal justice system or those who are strip searched – I could go on.

When we look around this room, it doesn't reflect the communities we serve but at what point do we transform that acknowledgement into action. It's not good enough to just recognise the systemic inequalities within our system without doing something to address them. ADCS has started a conversation about what positive change we can achieve as an Association and also what we can do to support our members to achieve change locally. We can't do it alone, we need to build an alliance across the public sector that together, can influence and bring about change.

When I was approaching the start of my presidency, I talked to lots of colleagues right across the country about the issues and areas of policy I should spotlight during my year in the hotseat. There aren't too many surprises - engaging with the implementation of the care review, workforce, inclusive education, a strengths-based approach to SEND, and putting children at the heart of the health system amongst others.

In subsequent discussions, it has become clear that there's so much commonality in the challenges faced and the solutions in each of these areas of priority. Take workforce for example, in children's social care, we're desperate for social workers, in schools its teachers, in SEND educational psychologists are as rare as hens teeth!

A fair, multi-year funding settlement that reflects genuine need is also desperately needed, as is a clear and consistent vision for the education system, the health system, for children's services, indeed for children's lives. But time and time again our discussions return to the long running aftershocks of the pandemic on children, on the functioning of families,

the resilience of communities and of public services. Overlaid with this but intrinsically linked is poverty.

Life is exceptionally hard for a growing number of children and families, and it's getting harder. The cost of living crisis, increased fuel and food prices alongside fragile circumstances after the challenges of the last three years means that housing policy, welfare policy, health policy, immigration policy, employment policy all occupy more and more of our time because they impact on children and families. Getting these basics right, the foundations of family functioning, would make a huge difference to children's lives and to the work of children's services. However I recognise that may take time.

That leads me to finish with a quote from one of the great philosophers of our time, Jurgen Klopp, "It needs time. Nobody wants to hear it but that's the truth: if you want to have success in the future, you have to be ready to work now."

I'm sure I can speak for all ADCS members when I say we are ready to put the work in now to build a better future.

Unfortunately, the Minister for Children, Families and Wellbeing is unable to join us in Manchester today however she has prepared a short pre-recorded message for ADCS members.