

## CVAA overview of the Independent Review of Children's Social Care final report

Last week saw the publication of the final report from the Independent Review of Children's Social Care, which was launched in March 2021. The full report can be found [here](#), alongside an [executive summary](#) and children and young people's [summary](#). The report is long but easy to follow with its recommendations clearly highlighted throughout, so we would recommend looking through it if you can find time. Government will not be publishing its formal response to the report until the end of the year.

The Report has been broadly welcomed by the sector and many have praised its ambition and the fact that it does not shy away from the big challenges we face. However, children's organisations remain cautious, such as Ofsted which has said it is still working through the detail, and ADCS which [has stated](#) that more detail is needed about how reforms would work in practice and therefore urges careful trialling to ensure the proposals are in children's best interests.

It is important to first outline the broad themes of the Review which provide helpful context for its implications for adopted children and families, and the adoption sector as a whole. The Review's diagnosis of the problem with the care system is that we are stuck in a vicious cycle, driven by scarce resources, reactive crisis management and not recognising the strengths of families and communities enough. When children's needs escalate as a result of inadequately responding to families' needs, resource is directed towards episodic and siloed crisis responses, continuing the cycle of fewer resources for supporting families.

The Review is divided into 6 key themes which it believes will break the cycle:

- A revolution in Family Help (making the case for heavy investment in supporting families in the right way and shifting away from crisis intervention)
- A just and decisive child protection system (outlining proposals to develop specialist safeguarding practitioners and multi-agency working)
- Unlocking the potential of family networks (focused on new rights and support for kinship carers)
- Fixing the broken care market and giving children a voice (about new Regional Care Cooperatives to run public care services – more on this later)
- Five 'missions' for care experienced people (in response to inequalities they face)
- Realising the potential of the workforce (about better career pathways for social workers and reducing reliance on agency workers).

It identifies the central aim of care as strengthening lifelong relationships, and believes this can be achieved by moving towards a system with greater freedom and responsibility, guided by a clear national framework but without compliance led processes. It argues that if its recommendations are implemented by the government in England, 30,000 fewer children will come into care by 2032 compared to the current trajectory.

### What the Review says about adoption

The Review includes a very short section about 'modernising adoption'; other than that there are few mentions of adoption in the report. This is disappointing but not surprising – the Review has

consistently indicated its views that adoption does not need to be a strong focus because of the recent Adoption Strategy. The DfE is expected to underscore the priority of adoption in its response.

We were pleased to see that this section opens with Ward’s 2022 Australian research which found that adoption can lead to better outcomes for children than foster care and residential care. The central focus of the section is about modernising adoption through transforming contact – i.e. updating Letterbox contact, better supporting birth parents, regularly reviewing contact plans and harnessing digital solutions such as the RAA Letter Swap pilot and ARC Box. It states that “contact between adopted children and birth parents should start to be assumed by default and supported unless this is not in the child’s best interest”, which supports CVAA’s position and helps strengthen our case for investment in lifelong connections, ahead of our paper on a national connection service to be launched this summer.

The section also states that “The Adoption Support Fund should specifically include provision to support better contact between adopted children, adoptive parents and birth parents.” This is a positive message but there is no detail about how this would be achieved, such as how much more funding the ASF would require and what type of interventions would be included, which is discouraging, and the DfE show no appetite for moving away from the purpose of the ASF as providing therapeutic support to children only.

The brevity of this section means that some pertinent issues have been glossed over, such as the falling number of children with adoption as their plan, the long waiting times for children with particular characteristics, and the increasing numbers of adopters waiting to be matched. There is also a brief reference about the establishment of RAAs contributing to “improved the support for adopters and adoptees” which shows limited scrutiny of the RAA programme and the difficulties it has brought alongside advantages.

Adoption UK [has published](#) the following apt commentary on the report:

*“We welcome the call for deep reform, the focus on sustained, loving relationships and the recommendation for a new protected characteristic for care experienced people.*

*“Sadly, children adopted from care are in the shadows of the report. Adopted children have the same traumatic start in life, with the same lasting effects and the same ongoing need for support. Until every child adopted from care is thriving, we will not have properly reformed the system.”*

The report also misses some opportunities to join up thinking across all care pathways for children, such as showing why its family help proposals could also meet the needs of adoptive families as well as other families. Its proposals tend to be specific to different care pathways rather than focused on the rights and needs of children regardless of care decision making.

## **What are the other implications for adoption?**

The wider report contains numerous recommendations which are relevant to adoption, many of which we warmly welcome and are things that CVAA has advocated for in the past.

### **Unlocking the potential of family networks**

There is an entire section on the value of kinship care and ways that kinship carers can be better supported, in line with the support adoptive parents receive. It discusses variation in kinship care across the country, the costs of overlooking kinship care as an option for children, and gives examples of other countries such as Australia which rely more heavily on kinship carers. Its central recommendations are:

- There should be a new arrangement in law – Family Network Plans - to support and oversee care from wider family networks. Under these plans children would not become looked after.
- All local authorities should make a financial allowance paid at the same rate as their fostering allowance available for special guardians and kinship carers with a Child Arrangement Order looking after children who would otherwise be in care.
- Legal aid should be provided in a range of circumstances where special guardians and kinship carers with a Child Arrangement Order interact with the family courts.
- All new special guardians and kinship carers with a Child Arrangement Order should be given kinship leave, which matches the entitlement given to adopters. For example, by expanding the recently announced a £1 million programme for 2022-23 to establish kinship peer support groups in local authorities.
- A legal definition of kinship care to include those in informal arrangements.

CVAA is fully supportive of kinship care arrangements where they are in the best interests of children, so these recommendations are a step in the right direction. However, our position is that there should also be parity between adoptive parents and kinship carers when it comes to assessments and training, and that further longitudinal research is essential to understand the long-term outcomes of children in kinship arrangements compared to other forms of care, to fully understand the implications of these policies for children’s outcomes. A prominent care leaver and care professional on Twitter, John Radoux, [has noted that](#) LAs already search for family members first and are unable to find them, so we need to be wary of seeing this as a silver bullet.

### **A new regional model to transform care**

One area of concern in the report is the section entitled ‘A new regional model to transform care’, which outlines issues with the care market at present, including weak oversight, high costs and profiteering, poor planning, and lack of coordination. Its solution is to establish new Regional Care Cooperatives (around 20) to take on responsibility for the creation and running of all new public sector fostering, residential and secure care in a region, as well as commissioning all not-for-profit and private sector provided care for children as necessary. It states that “The larger scale of RCCs and dedicated capabilities will mean that they can provide specialist marketing, recruitment, support and training for foster carers within their region”.

The parallels between RCCs and RAAs has not gone unnoticed by the sector – especially the number of 20 RCCs compared to 32 RAAs – yet it could be said that this section raises more questions than answers. The section falls short of detailing how this partnership will actually work, stating that RCCs will be fully accountable to LAs but Government should consider the best organisational form. It adds that LAs will no longer be involved in sufficiency planning and running/creating new services but will have “direct involvement in the running of RCCs”. The report also states that “Over time, the functions of Regional Adoption Agencies should be integrated into RCCs given the strong overlap in functions of recruitment, support and training”.

Children England’s commentary on the creation of RCCs is particularly thought-provoking; it questions the relationship between RCCs and LAs and challenges the assumption that RCCs would be able to procure better services because of their wider geographical scale. It adds that RCCs would fundamentally be a new market structure rather than an alternative to the market itself, wherein the problem lies. The Care Review Watch Alliance has also [expressed doubts](#) about the proposed model, stating that whole system change “could leave children even more vulnerable as they will be out of scope of the State losing many protective layers whilst millions of pounds are given to unregulated organisations”. Article 39 shares a [similar sentiment](#): “It is heart-sinking that the care review’s principal recommendations are for major structural reorganisation, which will, for years, consume many millions of pounds and the hearts and minds of people who could instead be leading cultural change to put children and their rights at the heart of everything.” The Fostering Network [warns that](#) we should learn lessons from the past and make sure to value local recruitment.

It is interesting to note that the Review states that Ofsted should create a new framework to inspect RCCs, which could add weight to our policy ask that RAAs should be individually inspected, in the same way that VAAs are. We will be closely watching how this recommendation develops and looking for opportunities to contribute our views where appropriate.

### The Courts

The Review puts its weight behind court reform which is a core strategic priority for CVAA. Its recommendations mirror what we have asked for previously, particularly the first two of the list below:

- More data and information for the courts to understand the outcomes of their decisions and how decisions in their area compare with other areas. It states that Local Family Justice Boards should be part of a learning loop, and Designated Family Judges should be full participants in these Boards.
- Improvements to the quality and consistency of local and judicial decision making through improving the quality and transparency of data and facilitating learning at a local level.
- Recommending that the Public Law Working Group should lead work to bring learning from Family Drug and Alcohol Courts and other problem solving approaches into public law proceedings, to make proceedings less adversarial and improve parents’ engagement in the process.

### Additional points relating to adoption

There are a few additional points throughout the report which we believe will impact upon the adoption sector in a positive way, if implemented. These recommendations include:

- A strong emphasis on children and families **co-designing services** at all levels – this is something CVAA strongly supports and is one of our strategic ambitions for 21<sup>st</sup> Century Adoption.
- **High quality family finding support** should be available for children in care and young people that have recently left care, up to the age of 25, recognising that many will have not been offered a family finding service whilst in care. It highlights the work and success of the Lifelong Links programme.

- **A new lifelong guardianship order** should be created, allowing a care experienced person and an adult who loves them to form a lifelong legal bond. It cites the 2016 Australian Adoption legislation which was amended to make adult adoption a possibility.
- In its section about implementation, the Review states that Government should work with people with lived experience of services, practitioners, researchers and other public services to develop a **National Children’s Social Care Framework** to set the purpose, objectives and outcomes for children’s social care alongside the best available evidence for achieving this. One of these objectives should be: “Where children cannot remain safely at home, there is a relentless focus on engaging and supporting a child’s wider family network to step forward, supporting successful reunification with a birth family or other forms of permanence that promote lifelong relationships”.

The review asks for this to be delivered at pace through a five year reform programme. It states that reform will come at a cost of £2.6 billion of new spending over four years, comprising £46 million in year one, £987 million in year two, £1.257 billion in year three and £233 million in year four. However, [doubt has been cast](#) on how motivated the government will be to deliver this funding settlement, especially given that the DfE’s accompanying [press release](#) gives minimal detail about this aspect of the review. Children England maintains that government should double the £2.6bn figure at least.

#### A sample of media coverage

- BBC: [Care system: Help families before they reach crisis, urges review](#)
- Guardian: [Overhaul of children’s social care in England urgent and unavoidable, review finds](#)
- The Times: [Plea for equality law to protect children in care](#)
- The Mirror: [Ministers told to slap windfall tax on top private children's home providers](#)
- Sky - [Children's social care: System needs 'radical reset' to prevent 'enormous' problems down the line - report](#)
- Daily Mail - [Is the door closing on children's jails? Axing young offender institutions is part of radical demands in major review of 'dysfunctional' care system as annual costs spiral towards £15bn](#)
- CYP Now: [CARE REVIEW: DFE ANNOUNCES PLANS FOR NATIONAL IMPLEMENTATION BOARD TO OVERSEE REFORMS](#)
- Community Care: [Care review urges national social work pay scales to reward expertise and boost retention](#)

## Appendix: Central recommendations in the report not outlined above

In this section we summarise additional significant recommendations included in the report which give a flavour of each section and the direction of travel.

### A revolution in Family Help

- To “reclaim the original intention of section 17 of the Children Act 1989”
- £2 billion over the next five years to bring early help and child in need work together under one single category of Family Help. The service will be delivered by multidisciplinary teams and will be based in community settings
- A single service would reduce transitions between teams
- The review would like there to be a national definition of Family Help and who is eligible, while leaving room for professional judgment locally
- A non-stigmatising front door where mechanical referrals and assessments are replaced with tailored conversations
- Access to high quality universal and community services to meet families’ needs where they are not severe enough for Family Help support
- The review defers to the SEND and AP green paper for matters relating to children with SEND, but outlines a few areas where it would like to see change, including more transparency for families about what support is available to them where their children have different levels of need, improving transitions to adults services, and improving the strategic integration of children’s social care with the SEND system.

### A just and decisive child protection system

- ‘Expert Child Protection Practitioners’ to co-work alongside Family Help Teams to remove the need for break points and handovers
- Expert Child Protection Practitioners should be supported by more regular and direct involvement of a multi-agency workforce
- A multidisciplinary response to extra familial harms should be supported by a clearer statutory framework, and the system for responding to extra familial harms needs to be simplified (e.g. the NRM)
- Expectations for the features and capabilities of a joint multi-agency child protection response should be set out nationally in Working Together
- Coordinated action to support local authorities, health, police and education to make the technical changes they need to achieve frictionless data sharing
- Better engaging with parents throughout the CP process.

### Transforming care

- New universal care standards should be introduced covering all types of care (it cites unregulated accommodation and deprivation of liberty cases as examples of inflexible current care standards and regulations)

- A windfall tax on profits made by the largest private children's home providers and independent fostering agencies should be levied to contribute to the costs of transforming the care system.

### A new deal for foster care

- A "new deal" with foster carers, including better support networks and training, as well as a new national foster carer recruitment programme, to approve 9,000 new foster carers over three years
- Use of family group decision making to identify important adults that are already known to a child and may be willing to foster
- Foster carers should be given delegated authority by default, to take decisions which affect the day to day lives of children in their care
- Independent, opt-out, high quality advocacy for children in care and in proceedings should replace the existing Independent Reviewing Officer and Regulation 44 Visitor roles (this has attracted a lot of controversy!).

### The care experience

- Five ambitious missions so that care experienced people secure: loving relationships; quality education; a decent home; fulfilling work and good health as the foundations for a good life.
  - No young person should leave care without at least two loving relationships, by 2027
  - Double the proportion of care leavers attending university, and particularly high tariff universities, by 2026
  - Create at least 3,500 new well paid jobs and apprenticeships for care leavers each year, by 2026
  - Reduce care experience homelessness now, before ending it entirely
  - To increase the life expectancy of care experienced people, by narrowing health inequalities with the wider population
- Government should make care experience a protected characteristic, following consultation with care experienced people and the Devolved Administrations
- Local authorities should redesign their existing Independent Visitors scheme for children in care and care leavers to allow for long term relationships to be built
- A National Children's Social Care Framework to set the direction and purpose for the system, and a National Practice Group to build accompanying practice guides.

### Realising the potential of the workforce

- A five-year Early Career Framework to provide a desirable career pathway for social workers, as well as action on improving case management systems to reduce administrative tasks completed by social workers
- New national rules on agency usage supported by the development of not-for-profit regional staff banks to reduce costs and increase the stability and quality of relationships children and families receive
- Measures to support the development of the wider social care workforce and strengthen existing leadership programmes

## Implementation

- Government to work with people with lived experience of services, practitioners, researchers and other public services to develop a National Children's Social Care Framework to set the purpose, objectives and outcomes for children's social care alongside the best available evidence for achieving this
- This would sit alongside a balanced scorecard of indicators for learning and improvement. should include guidance on the best known ways of achieving these objectives, led by the National Practice Group
- A review of the role of the DCS and the local authority to ensure that they have a clear role as a champion for children and families across a local area
- Government should introduce an updated funding formula for children's services, and take greater care to ensure that changes in government policy that impact the cost of delivering children's social care are accompanied by additional resources for local government
- Ofsted inspection should be reformed to increase transparency in how judgements are made, ensure a rounded understanding of being 'child focused' and to ensure inspection supports the proposed reforms
- Government should establish a National Data and Technology Taskforce to drive progress on implementing the review's three priority recommendations to achieve frictionless data sharing by 2027, drastically reduce the time social workers spend on case recording and improve the use and collection of data local.