



Action for Children

Response to the 'Call for Ideas' from the Independent Review of Children's Social Care

About Action for Children

Action for Children protects and supports vulnerable children and young people by providing practical and emotional care and support, ensuring their voices are heard, and campaigning to bring lasting improvements to their lives.

1. The Legacy of this Review

We are grateful to the Care Review team for this opportunity to share our ideas, and the many occasions throughout the review process where colleagues and young people across Action for Children and elsewhere have had the opportunity to speak and be heard. One young person told us that the Care Review was the first-time they had ever heard of government caring about young people in care.

This isn't the first-time government has conducted a review into the way we support children in our care system, and it won't be the last. Our hope is that this Review can be the starting pistol for a new model of children's social care. Although the changes that made following this process might not resolve all the issues that face vulnerable children and families today, we hope that history will look back on the Review and judge it on two key legacies.

First, we hope that this Review will usher in renewed and coordinated energy for early intervention (section 3), and that we stop waiting for children to be harmed before they are offered help. After a decade of cuts to programmes like Sure Start, now for every £1 spent on early intervention, over £4 is spent on late intervention.¹ We would like to see this trend reversed.

Second, we hope that this Review will broaden our ambitions from protecting vulnerable children, to supporting the full family (section 4), so children are given the best chance of growing up in a safe and loving environment with those that they are closest to. Time after time, children have told us that this is what they want most.

Our proposals below are designed with this legacy in mind.

2. Note on Terminology

¹ See Pro Bono Economics and the Children's Services Funding Alliance, *Children and young people's services: Spending 2010-11 to 2019-20* (2021). Accessible at [Microsoft Word - CSFA Annual Funding Report 2021 v7 \(probonoeconomics.com\)](https://probonoeconomics.com)



As the Case for Change notes, there is wide variation in the terminology used to define early intervention services, and those services designed support the family unit. Throughout this response we use:

Early Help to mean the early intervention and preventative services offered by local authorities and safeguarding partners to both children and families before they reach the threshold for 'Child in Need' status. We typically use this term when referring to existing services or ways of working.

Family Help when referring to services designed to support families to manage their problems and stay together. These include early help services as defined above but also extend to services provided to children and families on the edge of care, for families for children who are looked after, and during/post reunification. We typically use this term in our recommendations for future practice.

3. Securing a Future of Early 'Family Help'

Almost everyone in the children's sector agrees with the principle that more needs to be done to identify needs early, and to invest in services that can stop family issues from escalating to the point where care is needed. Therefore, in designing policy that allows more children and families to receive support from the earliest point in the life cycle of a problem, the best place to start is to think through why this hasn't already happened. In our assessment, we see the following as the key barriers that are preventing change from occurring.

- **Early help is first on the chopping block**
In a context of funding cuts, local authorities rationally prioritise spending on areas where they face the highest risk. For children's services, this means allocating more funding to statutory social care services, where there is a clear and explicit legal duty to provide services, and where there are children at higher risk of being harmed, with all the associated regulatory and reputational risks. The net result is that early help and family support services – although almost universally provided in some form or another – are the first candidates for the chopping block when local authorities have to reduce spending on children's services.
- **Additional investment is needed**
Relatedly, Directors of Children's Services often state that they want to transition to early intervention models of social care, however frequently note that doing so carries significant risk for their departments. Whereas part of this relates to the point made above, this is also because it is unclear whether the current available funding for early help is sufficient to scale services to the point where the benefits to both families and local authority balance sheets would be felt.
- **The benefits of early intervention are often remote**
The benefits of early intervention services are sometimes only felt years after first contact is made. The current funding model doesn't provide financial certainty for this longer-term period over which the full benefits would be realised.
- **There are concerns around the evidence base**



Part of the hesitation about transitioning to early intervention models stems from a perception of a patchy evidence base. We see this problem as being more acute at the national policy making level, rather than within local authorities. The issue is compounded by a complete lack of national level data on early help provision.

- **There are different interpretations of who ‘early help’ is for**

The statutory guidance in ‘Working Together’ is clear that early help provision should be for children and families that are not yet at threshold for statutory social care. Despite this, we see a wide variety in practice between local authorities about who is offered early help and when. We see this as predominantly driven by financial pressures, which mean that local authorities do not have enough ‘early help’ capacity to deal with local need and as such, have to ration it. However, the lack of any formal legal status for early help provision means that confusion about its definition is allowed to endure.

- **There is weak partnership and accountability**

Family help services are unusually reliant on effective partnership working between different public agencies. Despite this, there are few accountability mechanisms to ensure the relevant partnerships function effectively.

3.1 Our Proposals

The following proposals are designed to remove or mitigate the barriers identified above, with the goal of ensuring more children and families can access early-stage support.

3.1.1 Recommendation: A Legal Duty for Family Help

It is long past time that provision of early-stage family help became a legal duty on local authorities, as was the recommendation of the Munro Review over a decade ago.² Our view is that a legal duty is a well targeted policy solution to the key barriers outlined above. Namely, we believe that family help needs more long-term statutory protection from the fiscal winds, and that a clear legal statement of where provision of early-stage family help stands in relation to other social care services will ensure that the services that are provided are available for children and families before their needs escalate to the point where a child in need or child protection plan, or indeed a care order, are needed.

The challenge with an early or family help duty is in defining exactly how it will operate in practice and overcoming the perception that such a duty already exists. As the Case for Change and subsequent response document note, there is currently no individually owned duty for family help. Although there has been an argument that Section 17 of the Children Act 1989, as well as Sections 10 and 11 of the Children Act 2004 constitute a general duty for provision for family help, the reality is that local authorities do not believe that to be the case.

Section 17 (1989) is landmark legislative tool but does not currently constitute a duty for providing *early help* as such services are defined in statutory guidance as those that arrive prior to the child in

² *The Munro Review of Child Protection: Final Report* (2011), Paragraph 5.27. Accessible at [Munro-Review.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/262222/Munro-Review.pdf)



need status established by the Act.³ Sections 10 and 11 (2004) set a duty for local authorities to work with partners to promote the welfare of children, but do not specify either when this help should arrive nor what help should be provided to the family unit. In responding to the Munro recommendation for an early help duty, the government argued that such a policy would be unnecessary given the existing legal framework.⁴ The Care Review should highlight that the reduction in early intervention spending since then has shown that position to be wrong.

We think a new duty will be effective if it specifies the following things:

- **Places a duty on local authorities to ensure that there is sufficient provision of family help services to meet local need**, based on the findings of a Joint Strategic Needs Assessment or other form of demand-scoping exercise. The assessment and calculations on provision must be made publicly available and open to scrutiny from Ofsted with penalties for local authorities that do not establish sufficient capacity. That duty could replicate the approach taken in Section 17 of the Children’s Act which sets out when services should be provided and the types of services that should be in place. An alternative would be to base a new duty on a revised, and statutory, version of Working Together to Safeguard Children.
- **Family help must be defined such that it includes ‘early help’ as currently specified by the latest ‘Working Together’ guidance** – that is to say, support for children and families whose needs are not yet at threshold for support under Section 17 of the Children’s Act 1989. Combined with the first point, this means that local authorities should estimate and secure sufficient provision for supporting children and families at risk of becoming in need without additional support.
- **The definition of family help in the duty should also encompass services designed to support families at higher levels of need**, including for supporting families following the removal of their child into the care of the local authority.

One of the lessons from the implementation of the Children Act is that legal duties on local authorities to provide services need to be supported by the right incentives and support for them to be implemented. In this case, the first barrier is the lack of both clarity of what family help is and the lack of any requirement to provide it.

On top of providing that clarity and legal certainty though, the review should make recommendations to incentivise the provision of family help using a range of policy levers.

- First, it should ensure the duty is funded directly. Family help is an essential public service and should have its funding protected.
- Second, the regulatory framework for local authorities should ensure that the provision of family help is supervised and enforced by regulators. For instance, Ofsted should be

³ Department for Education, *Working Together to Safeguard Children* (2018) See Chapter 1, Paragraphs 8 and 13. Accessible at [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/410378/Working_Together_to_Safeguard_Children_2018.pdf)

⁴ Ofsted, *Early Help: Whose Responsibility* (2015), Page 10. Accessible at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/410378/Early_help_whose_responsibility.pdf



empowered and encouraged to build a clear picture of the family help delivered by local authorities and safeguarding partners, and whether it is effective. Its judgement on this should form a key part of its wider rating for children's services.

- Third, the provision of family help should be measured so that government and regulators can easily hold local authorities to account on whether they are delivering their duty. That can aid a 'risk-based' approach to regulation.

We describe those crucial policy levers in more detail below.

3.1.2 Recommendation: Long Term Funding for Family Help

We are calling for government to increase available funding for early intervention and family help services to at least pre-austerity levels - roughly an extra £1.8bn per annum above 2019/20 levels.⁵

A key barrier to transitioning to a prevention-first social care system is that there is no spare capacity in the system to enable such a transformation. As such, children's services directors face an impossible choice of cutting back on existing statutory service spend to increase early intervention provision. Although the announcements in the recent Spending Review on early years services, family hubs and the Supporting Families programme were welcome, the total sums provided do not yet match the change that is needed and are likely only replacing 10-20% of the funding that has been cut over the last decade.

Family hubs in particular present a promising agenda, but current commitments are lacking in both detail and ambition. Further, there are basic capital and infrastructure investments that need to be made to enable transformation, notably around IT infrastructure and case management systems which are in many cases, not interoperable between early help and social care systems.

Central government also needs to provide greater coherence in how family help policies are coordinated. For instance, we have heard that the plethora of different Departmental programmes that fund services, such as Supporting Families which is managed by the Department for Levelling Up, Housing and Communities, mean that local authorities must balance requirements from multiple central government departments, creating additional burdens particularly around monitoring and evaluation. One solution would be for the Review to recommend that the Department for Education takes the lead on coordinating all programmes affecting social care and family help to enable better strategic planning from central government. If this is taken forward, then consideration should be given to reviewing the Department's name to reflect its focus beyond education.

Concerns around the evidence base present perhaps the most persistent stated barrier to further central government funding for family help. We share doubts that incremental increases that merely replace a fraction of the £1.8bn cut from early intervention budgets since 2011 would have transformative impacts on the numbers of children entering care or coming to serious harm. However, whereas not all early intervention services have a Grade A evidence base, we know from

⁵ Figures from Pro Bono Economics and the Children's Services Funding Alliance, *Children and young people's services: Spending 2010-11 to 2019-20* (2021). Accessible at [Microsoft Word - CSFA Annual Funding Report 2021 v7 \(probonoeconomics.com\)](https://www.probonoeconomics.com/2021-v7)



recent academic work that early intervention spend is effective at reducing Child in Need⁶ and Looked After Children⁷ numbers, as well generating a slew of other positive outcomes.⁸ The reality is that children in the social care system, from ‘Child in Need’ status onwards, experience worse educational, health and social outcomes across the board than their peers⁹, and that the number of children in these cohorts is steadily growing. The hesitation about the evidence base for early-stage family help is causing inertia as we continue to do things that we know don’t work, because of uncertainty whether the alternatives might.

3.1.3 Recommendation: A National Outcomes Framework for family help and Better Data Collection

It is widely recognised that a lack of data on the amount family help that is offered, as well as the type of support that is offered, is a long-term barrier to proving its effectiveness. Our view is that if family help is to be put on a statutory footing, such data would need to be collected to establish whether local authorities are meeting the requirement to provide sufficient capacity for supporting families in their locality. To this end, we are pleased to learn of the Department for Education’s intention to start collecting data on early help provision as part of the Child in Need Census beginning in the next few years. That data should include what type of services families are receiving as well as the number receiving help.

Another often cited criticism of the current way early help services are run is that there is a lack of effective partnership working, driven by multi agency teams with different goals for children and young people. Within discrete government programmes, such as Supporting Families, this challenge has been tackled by creating outcomes frameworks that give partners a clearer direction on the goals that they are working towards.¹⁰ However, programmes such as Supporting Families fund only a fraction of the total family help offers of local authorities, and greater join up is needed to ensure that partnerships work effectively across the board. To this end, we are recommending that.

- **The Department of Education publishes a National Outcomes Framework for Family Help and existing statutory services (e.g. those geared towards children on ‘in need’ or ‘protection’ plans) that specifies a set of common outcomes that family help systems should be working towards**, and that are consistent across different government programmes focusing on supporting families. These outcomes should be designed in consultation with children and families and leave room for local authorities to set targets

⁶ Webb, C. In defence of ordinary help: estimating the effect of early help/family support spending on Children in Need rates in England using ALT-SR, *Journal of Social Policy* 2021.

⁷ Bennett et al, *Funding for preventative Children’s Services and rates of children becoming looked after: A natural experiment using longitudinal area-level data in England*, *Children and Youth Services Review*, 131, 2021.

⁸ National Children’s Bureau, *Supporting and strengthening families through provision of early help* (2021). Accessible at [20210513 Rapid Review Full Report - FINAL.pdf \(ncb.org.uk\)](#)

⁹ Berridge et al, *Children in need and children in care: educational attainment and progress* (2020). University of Bristol and University of Oxford Rees Centre. Accessible at [Final Report Nuffield.pdf \(bristol.ac.uk\)](#)

¹⁰ Ministry of Housing, Communities and Local Government, *Supporting Families Programme Guidance 2021-22: Chapter 4 Evidencing Outcomes* (2021). Accessible at [Supporting Families Programme Guidance 2021-22 \(publishing.service.gov.uk\)](#)



and additional outcomes based on their local need profile.

- **The Department for Education should work towards collecting data on the family help services profile of local authorities, and the usage of such services by children and families.** Likewise, this should extend to services designed for children on higher tiers of social work intervention.

3.1.4 Recommendation: Inspectorates should assess the quality of partnership working and overall family help provision.

The recent Wood Review into the new multi-safeguarding arrangements found significant variation in the effectiveness of local partnerships to safeguard children.¹¹ These findings echo feedback we have received on challenges facing early help partnerships, where a lack of coordination between education, police, health, and local authority partners is leading to families being passed around the system, and little follow up to ascertain whether plans are being enacted. Inspectorates have a role to play here. Currently, the quality of family help provision is a minor element of Ofsted inspections into children's services, and is rarely significant for other inspectorates, such as the CQC and HMICFRS. This is at odds with the essential role that each statutory safeguarding partner plays in ensuring children are safeguarded and that appropriate support is provided to families. Following the recommendations of the Wood Review, we recommend:

- **Ofsted should ensure that the delivery and quality of family help is rigorously evaluated in inspections of local authorities and taken into account in its judgements.** Where children's services – and family help – isn't working well, there needs to be a more urgent response from government to support improvement. Parents should have the right to expect as high standards for family help services as they do from schools.
- **The relevant inspectorates should establish a framework for assessing the quality of family help provision and partnership working amongst local safeguarding partners.**

4. Care for the full family

The goal for all children should be to ensure that they have a safe and loving home in which to grow up. For the overwhelming number of children in contact with the care system, this home will be with their parents or their wider family. Only in a relatively minority of cases is it the right choice for local authorities to intervene to find a new home for a child. Overall, we think that it should be a goal of government to reduce the number of children who need to be looked after (although we would caution against setting targets as we are not currently catering for all children who might need care).

In a context of rising costs for care placements, reducing the number of children that need care will relieve financial pressure on the sector, and help thousands of children to maintain relationships with their family – something that over and over again children and young people tell us is important. We also think there is a clear moral obligation to support families that have been separated by court order, particularly in cases where the adults are willing to take steps towards

¹¹ *Wood Report: Sector expert review of new multi-agency safeguarding arrangements* (2021). Accessible at [Wood Review of multi-agency safeguarding arrangements \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/wood-report.pdf)



being able to safely look after their children. Reversing the upwards trend of children in the care system will require not only renewed investment into early intervention but better support for families at the other end of the care system to try to work towards a future where the family can be safely reunited.

4.1 Our Proposals

4.1.1 Recommendation: Supporting the Families of Looked After Children

Local Authorities should have a responsibility to support the parents or guardians of children who are taken into care. This support should be part of the family help offering of the local authority, and at a minimum should include general wellbeing support, as well support for the issues that provoked the care proceedings and would prevent reunification. Some ideas for achieving this might be:

- Updating the legislation and regulations around care proceedings and planning to ensure that local authorities must develop and undertake a plan to support the wider family unit as a child is taken into care. For instance, there could be a requirement for care plans to include details of services for parents that would improve the likelihood of successful reunification. In some cases, this plan could be carried out by adult social care teams.
- Updating statutory guidance (e.g. in 'Working Together') to reflect an expectation that local authorities have a plan in place to support the family of children who have been removed from their homes.
- Targeted funding to roll out 'best practice' services for supporting the families of looked after children, judged on their success in maintaining relationships between child and parent, and achieving safe reunification.

In all cases, additional duties would need to come with additional funding to support them, as outlined above.

4.1.2 Recommendation: Providing Guidance on Reunification

Successful reunification with their birth family should be seen as the first option for children in care, as is consistent with the Children Act 1989. As well as being, by far, the most common route to permanence for such children, a system that is built around supporting families to stay together after a period in care has the potential to save money and reduce the harmful social stigmas around care that cause mistrust between families and social workers. In general, however, we believe that currently too little attention is paid to this area of practice, and that the lack of a common guiding framework for family reunification is causing different rates of attempted and successful reunifications across local authorities. In response, we want to see:

- National guidance published by the Department of Education that establishes a common approach to assessing the support needs of children and their birth parents, in the lead up to, during, and post-reunification as well as setting expectations about its quantity and quality.



- In practice this would mean specifying the types of reunification support that have proven effective in different conditions (i.e. dependent on the characteristics and circumstances of the child), together with their recommended intensity (i.e. the frequency and duration of delivery). This can build on the existing [Reunification Practice Framework](#) developed by the NSPCC and University of Bristol.
- The guidance should stipulate that support is not withdrawn too early post-reunification, but instead withdrawn at the point at which it is deemed by practitioners, the child, and their birth parents, to be no longer needed. It should also be recognised that while children's social care support may not be needed for a time, the child and their birth parents may later face challenges, which require the reengagement of practitioners.