



Children and Young Persons Bill: Committee Stage Briefing

About the Children's Services Development Group

The Children's Services Development Group (CSDG) is a policy group of six specialist children's services providers. It consists of Cambian Group, Castlecare Group, Foster Care Associates, Hesley Group, Priory Education Services and SENAD Group.

CSDG was formed in January 2007 to constructively inform the development of policy around services for children with complex and challenging behavioural problems and special educational needs.

CSDG's members provide a range of specialist education and care services to young people with Asperger's Syndrome, Autistic Spectrum Disorders, Behavioural, Emotional and Social Difficulties, specific learning difficulties and complex needs, including a significant proportion of looked-after children.

All of the members are committed to providing dedicated specialist care and support services to the highest regulatory standards. They also set a leading example for the training and development of their staff.

General position on the Bill

CSDG is fully supportive of the spirit and intention behind the Children and Young Person's Bill. For too long outcomes for looked after children have been unacceptably poor. This has been a major factor in wider societal problems including increased rates of teenage pregnancy and youth offending. We believe that robust early interventions to prevent young people from entering care, as well as improvements to the care system will result in better outcomes for families and children in care.

Children in care with complex and acute needs

We are focussed on improving outcomes for looked-after children with acute and complex needs - a significant proportion of the looked-after children population. 27% of looked-after children have a statement of special educational needs, compared to only 3% of all children in the general population (Social Exclusion Unit, 2003). Many more children in care may not have received a SEN statement, but have experienced neglect and abuse (62% of all looked-after children, DCSF, March 2007) and may have developed Behavioural, Emotional and Social Difficulties as a result. Additionally, many others within the care system suffer from Autistic Spectrum Disorders and/or Severe Learning Difficulties.

Many children in care need highly specialised therapeutic support to enable them to achieve a successful transition into adulthood. It is imperative that, once in the care system, young people are provided with the most appropriate care placement to meet their individual needs.

As far as possible, children should be placed in accommodation near to their families and homes. For the majority of children, this would ideally be in a foster care setting that can provide a stable 'family style' environment. However, this type of placement will not be appropriate for all looked-after children – those with the most acute needs will require individual packages of specialist support delivered in a specialist setting.

We believe that government should establish a new duty on local authorities to prioritise the individual - and professionally assessed - needs of each child when making placing decisions, and choose

placements in settings that are able to demonstrate their ability to improve outcomes for the children and young people in their care.

Key clauses – notes and suggested amendments:

Clause 8: Provision of accommodation in its area for children looked after by a local authority

We have sought, and received, assurances from DCSF that the Bill's restrictions on placing young people away from their local area will not be used to prevent children with complex and acute needs being placed in settings that are most appropriate to provide the high quality specialist services that they need.

Kevin Brennan MP, Parliamentary Under Secretary of State for Children and Families – speaking at a CSDG Reception (9th October 2007) – made clear that the Bill would not prevent access to specialist services for children with complex and acute needs: ***“... the needs of each individual child must come first. We will ensure that out of authority restriction is not absolute, as we recognise that some young people will have needs that require them to be placed at a distance.”***

We welcome the Bill's focus on ensuring local authorities provide placements for the young people in their care that are **'consistent with the child's welfare'** and would like to seek more clarity on this point. In particular, we assert that in order for placements to be truly appropriate, the individual needs of each child must be paramount in the placement decision making process.

As stated above, our experience of working with young people with special educational needs - including those with severe learning difficulties and behavioural, emotional and social difficulties - has demonstrated that with the appropriate specialist provision, successful outcomes can be attained and the welfare of children can be prioritised. In these cases, out of authority placements may be the most appropriate to meet the child's needs. Furthermore, in circumstances where young people have been the victims of abuse or sexual exploitation, or have been exposed to harmful influences from peer groups in their local areas – it is essential that appropriate therapeutic services can be provided in a setting away from the local area.

As currently drafted, the Bill states that the Secretary of State will define the requirements that local authorities must comply with before placing a child out of their area. We believe that further clarification is required in the Bill to ensure that local authorities understand that placements must be made on the basis of each child's needs, including any specific requirements to address their special educational needs.

We propose the following amendment is made to Clause 8:

Insert subsection (4):

“For the purposes of this section, the “child's welfare” should be defined with regard to the following criteria:

- i. appropriate educational outcomes (including those for children with special educational needs)
- ii. support for the child's social, emotional and behavioural needs
- iii. safeguarding requirements, whereby for reasons of safety it is appropriate for the child to be separated from their local environment
- iv. the long term stability of the potential care placement”

Clause 9: Provision of accommodation which is near to looked after child's school

Our experience has shown that very often, children in care with complex and acute needs will not be attending their local school, either as a result of truancy or due to their having been excluded due to

challenging behaviour. In such cases, the likelihood is that, if left to their own devices, children with behavioural problems will become involved in harmful and criminal activities.

We are concerned that a lack of flexibility and understanding of the circumstances of children with complex needs, may result in decisions to place a child in an inappropriate placement simply because it is near to the school where they are registered – regardless of whether or not they are actually attending, or whether the school is able to provide the specialist support they require.

Again, we assert that placing decisions must always be made on the basis of each child's needs. In some cases the requirement to place a child near to the school where they are registered will not be appropriate, and could be used by local authorities struggling with financial pressures, to avoid placing a child in a more costly specialist setting that would be better suited to address their complex needs.

We recognise that the Bill makes an exception for circumstances where it would not be '**consistent with the child's welfare**' for the child to live near the school at which they are registered, but we believe that further clarity is required on this point.

We propose that the following amendment is made to Clause 9:

Insert subsection (5):

"For the purposes of this section, the "child's welfare" should be defined with regard to the following criteria:

- i. appropriate educational outcomes (including those for children with special educational needs)
- ii. support for the child's social, emotional and behavioural needs
- iii. safeguarding requirements, whereby for reasons of safety it is appropriate for the child to be separated from their local environment
- iv. the long term stability of the potential care placement"

For more information:

We would be delighted to arrange personal briefing meetings, and/or further details on the issues contained within this briefing on request.

For more information about the Children's Services Development Group, please visit:

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