



Submission to the Narey Review on residential child care, December 2015

The National Association for Youth Justice (NAYJ) is the only membership organisation which exclusively campaigns for the rights of, and justice for, children in trouble with the law. It seeks to promote the welfare of children in the youth justice system in England and to advocate for child friendly responses where children infringe the law.

For further details of NAYJ please see the website@ www.thenayj.org.uk, if you have any queries about this submission, please contact us on info@thenayj.org.uk or telephone 07957 575480

This submission is made in respect of NAYJ's primary concern with children in trouble with the law, and recognises that children from the care system are over represented in the criminal justice system, and particularly in the custodial population.

- NAYJ acknowledges that good residential care has always been a complex task to do well and achieve positive outcomes for children. The trends and developments over the last four decades have seen major changes in the way we care for children who cannot live with their own families. The children's homes abuse scandals of the '70's and '80's, the 'no order' principles of the 1989 Children Act and the policy preferences for family placements, accompanied by a consistent drop in the numbers coming into care saw wholesale closures of children's residential units and a concomitant loss of skills. NAYJ believes that this has been exacerbated by the amalgamation of the responsibility for education and social care at both national and local government levels. Those with both policy and operational decision making roles, and service commissioners often have little or no knowledge of or skills in any sort of residential care for children.
- Whilst recently the numbers of children entering care have started to rise, residential care, almost by default has become the option of last resort for children whom the system has been unable to cope with by either family support or alternative placements. Indeed the focus on keeping children in their own family networks has in some cases made things worse. When problems are not resolved and children continue to be vulnerable and at risk of many sorts of harm it is often only at the real crisis points that care is

offered. It could be argued that there are comparisons with the custodial system in that residential care has become the end of the line, attempting to pick up the pieces too little and too late.

- There is no overall strategy for residential care at national, regional or local level, it is commissioned frequently on an 'as and when' basis. Although local authorities are required under statute to ensure that any provision meets certain standards and is suitable for the particular child, it is not untypical that the level of scrutiny may be perfunctory – the 'Friday night bed' needed urgently because a placement has broken down. Many local authorities now rely solely on external providers, although it of interest to note that a small number are reversing this trend and taking provision back in house, the review may wish to identify these and explore why they have made this decision.
- Currently the children who 'end up' in residential care appear to be the most troubled and troublesome yet are cared for by the least able staff. NAYJ deliberately uses the term 'able' rather than qualified because we do not believe the current training and support framework for residential staff is the right one; neither a social work qualification nor NVQs provide the right components. The skills needed to care for and nurture children who have experienced abuse, neglect and impoverishment of all sorts have been the subject of much debate, not least in the family placement sector. NAYJ believes that there should be a review which identifies the necessary skills and how these can be enhanced by good quality training and support for front line staff.
- The review may wish to consider whether it might also revisit some of the principles that underpinned the Support Force for Children's Residential Care which ran for two years in the early 1990's in response to the numerous inquiries, reports etc. following the abuse scandals.
- In mental health services, front line practitioners are required to have regular clinical supervision to enable them to deal with their own responses and feelings which may be engendered by the work they do. Given the known characteristics of children in the care system there must be an argument for providing support for front line staff that is specialist and external to their line managers.
- Recent years have seen a proliferation of private sector provision, particularly the growth in single person children's homes'. NAYJ is very concerned about the standards of practice in some of these establishments, in particular whether the staffing levels and practices result in restricting the liberty of

children in contravention of current legislation and policy. We are also concerned about anecdotal evidence which indicates that police involvement as a behaviour management tool is more prevalent and leads to more prosecutions for 'domestic' offences committed against the service; a matter which would be of concern across the sector. NAYJ acknowledge that there is CPS guidance in place regarding decision on proceeding with criminal charges against children in care where the offences are against the care placement. However, we know that adherence to this guidance is not universal and were disappointed that the Government did not implement police guidance drafted by ACPO in 2010.

- Because private provision is predicated on healthy profit margins, there is a tendency for premises to be located in disadvantaged and less desirable areas where property prices are cheaper, reinforcing children's negative views of their own worth and the value that children's services place on them. For similar reasons, such establishments tend to be concentrated in relatively small areas, leading to a concentration of the most vulnerable children from a wide range of local authorities whose behaviour is accordingly likely to draw negative attention from the local population. Private residential provision is frequently located a long way from children's home community exacerbating the risk that children will go missing, thereby increasing the prospects that they will come into contact with the police and engage in offending behaviour as a means of survival.
- NAYJ has a specific interest in Secure Children's Homes and are concerned about the recent disproportionate de-commissioning of beds in these establishments by the Youth Justice Board. The subsequent closure of a number that have been subject to this de-commissioning has had an even greater impact on the geographical spread of SCH's; for example there is now no SCH provision in the whole of south England. This lack of placement choice means more vulnerable children are likely to be placed either many hundreds of miles from their home area, or placements which will not meet their needs and may also fail to adequately safeguard them.