Children and Families Bill 2013

Briefing on new clause on support for children in care returning home

House of Lords Committee stage

Prepared by
NSPCC & Family Rights Group

Endorsed by the following organisations

Action for Prisoners’ Families
The Grandparents’ Association
Open Nest Charity
PACT

September 2013

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New Clause: Duty on local authorities to monitor, review and support children’s welfare when they return home from care

Overview

This amendment and briefing has been prepared by the NSPCC and the Family Rights Group. It is also supported by a range of organisations working with vulnerable children and families.

We welcome measures in the Bill to improve support for children who are adopted. However, adoption provides permanence for only a minority of looked after children and it is, therefore, vital that we improve support for all looked after children if we are to protect our most vulnerable children from harm. The most common option for looked after children is to return home to a parent or relative. However, at present, many are returned to homes where they have already been harmed, and where they face significant further risk, without sufficient assessment, preparation or support for their return home. This amendment aims to increase the chances of a successful return home from care for all looked after children by requiring local authorities to adequately assess, prepare, support and monitor the child’s welfare when they return home from care. Clause 4 of the Bill seeks to establish an entitlement to support for parents of an adopted child. We believe this entitlement should be extended to children who return home from care to ensure that support is delivered on the basis of need rather than the child’s legal status.

Page [X], after [XXXX], insert a new clause in the Children Act 1989

s.22C(3A) Return home support services for looked after children returning home to the care of their parents/others with parental responsibility

(1) Whenever a local authority decide that a looked after child should return to the care of P^1^, the local authority must assess and monitor the support needs of the child and P for as long as is necessary to safeguard and promote the child’s welfare;

(2) If after carrying out an assessment of the support needs of a looked after child in accordance with subsection (1) above, the local authority decide that the child or P has support needs, they must provide a child in care, and, in the case of formerly accommodated children, offer to provide, ‘return home support services’ to meet identified the support needs for as long as is necessary to safeguard and promote the child’s welfare;

(3) Whenever the local authority provide ‘return home support services’ under subsection 2 above, they must prepare a personal budget if asked to do so by P or the child or (in prescribed circumstances) a person of a prescribed description.

(4) The authority prepare a “personal budget” if they identify an amount as available to secure return home support services that they have decided to provide, with a view to the recipient being involved in securing those services.

(5) Regulations may make provision about personal budgets, in particular—

(a) about requests for personal budgets;
(b) about the amount of a personal budget;
(c) about the sources of the funds making up a personal budget;
(d) for payments ("direct payments") representing all or part of a personal budget to be made to the recipient, or (in prescribed circumstances) a person of a prescribed description, in order to secure any return home support services to which the budget relates; (e) about the description of the return home support services to which personal budgets and direct payments may (and may not) relate;

(f) for a personal budget or direct payment to cover the agreed cost of the return home support services to which the budget or payment relates;

(g) about when, how, to whom and on what conditions direct payments may (and may not) be made;

(h) about when direct payments may be required to be repaid and the recovery of unpaid sums;

(i) about conditions with which a person or body making direct payments must comply before, after or at the time of making a direct payment;

(j) about arrangements for providing information, advice or support in connection with personal budgets and direct payments.

(5) If the regulations include provision authorising direct payments, they must—

(a) require the consent of the recipient, or (in prescribed circumstances) a person of a prescribed description, to be obtained before direct payments are made;

(b) require the authority to stop making direct payments where the required consent is withdrawn.

(6) Any return home support services secured by means of direct payments made by a local authority are to be treated as support services provided by the authority for all purposes, subject to any prescribed conditions or exceptions.

(7) In this section "prescribed" means prescribed by regulations."

AND

Insert a second new clause into the Children Act 1989

**s.22C(3B) Duty to provide information about support for looked after children**

**returning home to the care of their parents/others with parental responsibility**

(1) Except in circumstances prescribed by regulations, a local authority must provide the information specified in subsection (2) to—

(a) any person who has contacted the authority to request information about ‘return home support services’ for a looked after child returning home to the care of P; and

(b) any P within the authority’s area, to whose care a looked after child has returned, who has contacted the authority to request any of the information specified in subsection (2).

(2) The information is—

(a) information about the return home support services available to people in the authority's area;

(b) information about the authority’s duties under section 22(3A) (‘return home support services’: personal budgets) and regulations made under it;
The background

In 2012, 37 per cent of children leaving care in England returned home. This represents over 10,000 children compared to just 3,440 who were adopted. Returning home from care can provide a loving, supportive environment for children and young people. However, attempts to return children home from care often fail, causing significant harm to our most vulnerable children, because neither they, nor their parents, currently have a right to any form of support once they are back home. As a result the support available for the child often reduces following reunification, despite the need for support increasing as a result of the risks experienced at home.

The NSPCC’s 2012 report on children returning home from care\(^1\) showed that:

- Around half of the children who came into care because of abuse or neglect suffer further abuse when they return home, causing significant long-term harm.
- Parents’ problems often remain unresolved. There is insufficient help for parental alcohol and drugs misuse, managing children’s behaviour, or from Child and Adolescent Mental Health Services and similar services. For example, Farmer et al. found that children returned to households where there was a high recurrence of drug (42%) and alcohol (51%) misuse, yet only five per cent of parents were provided with treatment to help them address their substance abuse.
- Around a half of children who return home subsequently re-enter care or are accommodated, causing significant harm to the child and cost to the state.
- Reunification practice, including the support available to children and families, varies significantly across different local authorities. The approach and attitude of the local authority has been shown to be a bigger factor in determining whether or not a child returns home than the needs of the child.

Repeatedly moving in and out of care in this way has a profoundly damaging impact our most vulnerable children. Children can be subjected to repeated episodes of abuse or neglect, compounding and intensifying the traumatic experiences and difficulties they face. Children who return to care are rarely able to live with their previous carers, significantly damaging their chances of developing lasting relationships. And as a child gets older their chances of adoption as an option for a secure permanent placement become less and less.

\[\text{“When children in our authority return home [from care], technically, they become children in need. But I know those cases are closed within two months”}\]

Local authority social worker, interviewed by the NSPCC

Work by the Centre for Child and Family Research Centre at the University of Loughborough demonstrates the high financial cost of failed attempts at reunification home from care:

\(^1\) Returning home from care: what’s best for children?, NSPCC, 2012
The cost of placements for children who move in and out of the care system are significantly increased. The basic unit cost to initially place a child in foster care is estimated to be in the region of £1000. This cost doubles when a child becomes more difficult to place following returns to care after a reunification breakdown.\(^2\)

Costs were highest, and outcomes poorest, for children and young people with emotional and behavioural difficulties who were also offending. These children often came into the care system during adolescence but had been known to children’s social care for some time, and had experienced previous episodes of being looked after (ie had those children who had experienced reunification breakdown).

The monthly unit cost of local authority foster care is in the region of £2,650. In comparison the average unit cost of supporting a child in need is estimated to be £193 per month and the average unit cost of supporting a child and their family under CAF arrangements is estimated to be £163. For children in need on a child protection plan and with one other child need, for example an emotional and behavioural difficulty, the monthly unit cost is estimated to be £514.\(^3\)

Assuming that children and their families will be supported as children in need, the research indicates that if improved support safely prevent only one in 13 of reunification breakdowns it will provide a financial saving to the local authority. In reality cost savings would be even higher as this does not include savings relating to the cost of repeated care proceedings, or longer term savings.

### Kerry’s story
My mum’s violence and tempers dominated my childhood and her drug and alcohol addictions meant she wasn’t able to look after herself, let alone care for me. She would get aggravated if she didn’t get her own way with me and she kicked me a few times and pinned me to the floor.

I was so shocked and felt guilty when she was arrested and I was taken into care. I was only 10 and it was all very daunting. I lived in foster care for around nine months before I went to live with my dad. It was quite a big change from living in care and I wasn’t given any help in settling in at his house. He was often angry and on one occasion I was taken away and put in a placement for a week after he’d got aggressive but then I returned back to him when things cooled down.

Things didn’t get any better and in the end I ran away when I was 13. I went back to the town where I grew up and bumped into my mum and went to stay with her. Social services came to check that I wanted to be there but, again, nothing had changed at home. Mum continued to have violent tempers and in the end I moved back to foster care for a couple of years and stayed there until I was 17.

I think there needs to be more support given to young people returning home after they’ve been in care and their parents. I was quite depressed and had to deal with different emotions that came to the surface. I think that if there was more support and someone I could have talked to help me make sense of it all then I might have been able to make things at home work and had a normal life.

*Names have been changed to protect identity*
What this amendment will achieve

New care planning regulations\(^4\) were implemented in April 2011, requiring that:

- Any plan for a looked after child to leave care (or indeed change their placement) must first be considered at a statutory review at which the child’s care plan, informed by up to date assessment, will be considered\(^5\)
- The suitability of parents\(^6\) to care for the child must be assessed and approved\(^7\) and
- If a child is returning home to parents under a care order (or EPO), the local authority must provide support as required to safeguard and promote the child’s welfare\(^8\).

However, there is no equivalent requirement to provide support where a care order has been dispensed with for accommodated\(^9\) children returning home to their parents. Discretionary support is available to them only if the child is assessed as being in need and within the local authority eligibility criteria, and evidence shows that, despite the risks faced by this group, they are often not provided with adequate support.

Our amendments seek to impose clear duties on local authorities so that children returning home to the care of their parents or others with parental responsibility are provided with the support necessary to keep them safe and enable them to thrive. As such, these amendments will help ensure that returns home are successful and that all children are protected from harm and that we do not create a hierarchy in support between children who are adopted and those who return home.

Moreover, clause 4 of the Bill seeks to establish an entitlement to support (in the form of a personalised budget) for parents of an adopted child. We recommend that this entitlement is extended to children who return home from care. This would help ensure that support is delivered on the basis of need rather than the child’s legal status.

\(^4\) Care Planning, Placement and Case Review regulations 2010 (CPPCRR) were implemented in April 2011
\(^5\) Reg 32 CPPCRR 2010
\(^6\) P is defined in the CPPCR Regulations to include parent and other person with parental responsibility
\(^7\) Regs 15-20 CPPCRR 2010.
\(^8\) Reg 20 CPPCRR 2010
\(^9\) Accommodated children are looked after in the care system with the agreement of their parents or others with parental responsibility under s.20 Children Act 1989