








Progress on safeguards for children living away from home

In 1997, *People like us* made recommendations for improving the safeguards for children living away from home. This study has examined what has happened since that report was published and the current state of safeguards for children and young people. Two reports have been produced: one covering all the recommendations in *People like us* and one examining issues of sexual abuse; children in prisons and disabled children in more detail. The researchers, Marian Stuart and Catherine Baines, found:

-  Legislation, policy and procedures have been much improved but effective implementation has been more problematic.
-  The main groups of children living away from home do now seem better safeguarded but worries remain for some of the most vulnerable groups - those in private foster care, prisons and in some health settings.
-  Safeguards do not pay full attention to more marginalised groups of children such as disabled children and those with emotional and behavioural difficulties.
-  The regulation and inspection of schools with boarding provision have been transformed since 1997, but it is too early to judge whether the changes are improving safeguards.
-  In dealing with sexual abuse, there has been progress in:
 - increasing awareness of the risks: but gaps remain in the information available to the public, parents, carers, staff and children themselves on how offenders operate;
 - establishing procedures for preventing abusers from working with children: but these are not being implemented consistently and, with most abusers unconvicted, there is a danger of relying too much on criminal checks with little use of 'soft' information;
 - establishing appropriate arrangements for abused children giving evidence in court: but implementation is slow and under-resourced.
-  In dealing with sexual abuse, there has been no or little progress in:
 - bringing abusers to justice and securing convictions;
 - providing adequate help and treatment for abused children;
 - providing adequate treatment and supervision arrangements for abusers, especially young abusers and women; opportunities to reduce re-offending are being lost.
-  The researchers conclude that the scale of the problem of sexual abuse of children is such that a major rethink of policy is needed – with much greater emphasis on prevention and early intervention.

Background

People like us: The report of the Review of Safeguards for Children Living Away From Home (The Stationery Office, 1997) was commissioned in the wake of allegations of child abuse in children's homes and foster care in North Wales. It was published in 1997 with 20 principal recommendations and other recommendations in the text for improving policy and practice. A year later, in *The Government Response to the Children's Safeguards Review*, the Government accepted the vast majority of recommendations (both the principal ones and 139 others which it listed from the text) but rejected some – on private foster care, children with emotional and behavioural difficulties, and parental rights and responsibilities. More recently, it has begun to take action on these.

This study looks at what has happened since *People like us* and what the current state of play is on safeguards for children living away from home.

Major policy and practice developments

The study looked at all the recommendations and concludes that action has been taken on all but a small number.

The legislative framework, policies and guidance for safeguards for children living away from home have been strengthened but there is a continuing gap between policy and practice.

Policies are not implemented consistently in all parts of the country. There are weaknesses of both policy and practice in some areas, such as private foster care, prisons, and health settings. Practitioners in a number of sectors do not have a sufficient understanding of what needs to be done to safeguard children and promote their welfare.

Regulation, inspection and 'minimum standards' for situations in which children live away from home – such as small children's homes and independently provided foster care – have been introduced. But there are still policy gaps relating to children's homes and foster care. For example, there has been no attempt to develop a national strategy for residential care. Private foster care remains an area of real concern and measures now being introduced in the Children Bill do not go as far as *People like us* and many others have recommended; for example, there is no proposal to introduce a registration system.

Looked after children

Efforts have been made to improve choice of placement for looked after children and to reduce the number of moves children experience but success here has been limited and out of area placements remain a problem. Too many children are still being placed outside their original local authority area.

There has been an attempt to address holistically the needs of looked after children and some success in improving the health, education and transition to independent living for these children; the Children (Leaving Care) Act 2000 has been a major step forward

here. But progress has been slow and policy developments do not cover children in custodial settings and those who spend long periods in hospital (see more on these groups below).

Schools

Safeguards in schools with boarding provision have been transformed since 1997. Welfare inspections have been extended to all such schools, a new registration system introduced for independent schools with better provisions regulating boarding schools and more training opportunities for boarding staff. However, it is too soon to assess the effectiveness of these changes. Staff in residential special schools can still feel isolated and need opportunities to network.

Listening to the views of young people

Listening to the views of children and young people has become more usual in policy development but, at an individual level, children are still not properly consulted about the decisions that affect their lives.

Issues for vulnerable groups of children

Disabled children

Policy documents and guidance now recognise the vulnerability of disabled children (although the fact that disabled children are more likely to be abused than non-disabled children is often still not widely acknowledged). However, practical advice and guidance on how to protect them is inadequate.

There has been some progress in obtaining statistical information about disabled children and their needs but more is required on a regular basis. Co-ordination and co-operation between the services for disabled children in relation to health, education, welfare, residential provision and transition to adulthood are still poor. There has been no progress in the criminal justice system's ability to deter or to secure convictions against those who have abused disabled children.

Children with emotional and behavioural difficulties

Policy for children with emotional and behavioural difficulties is a neglected area. The Department for Education and Skills (DfES) has plans to review services for this group of children; the study concludes that this review is urgently needed.

Children who go missing from home

The Government has issued an Action Plan concerning children who go missing from home; however, there are concerns about how this is being implemented at the local level.

Children in custody

Despite changes in recent years, the study concludes, as did *People like us*, that "prison is no place for children"; however, the numbers of children being imprisoned have increased despite a reduction in

youth crime. Girls aged 15 and 16 have been removed from prisons but this does not apply to 17-year-old girls. Remands remain a serious problem and are increasing.

Whilst large numbers of children remain in custody, serious and sustained efforts are needed to improve their conditions, safeguards and welfare. Efforts have been made to improve the regime and safeguards for children in prison but this remains the most worrying area. Children in prison are not being adequately safeguarded though attempts are now being made to address this. There is now an appropriate policy regime (Prison Service Order 4950) covering children in prison - though here too there are worries about local implementation. The welfare and protection of children has not been a priority for prison establishments and their health and education needs are inadequately dealt with. Some progress is now being made but there is a very long way to go. Despite the fact that about half of children in custody have previously been in care, there has been little evidence of local authorities engaging with children in prison or their families.

Children in health settings

There are concerns about children in health settings. A significant number of disabled children and children with psychiatric conditions appear to be in hospital for long periods of time without their presence being notified to local authorities. This means that the safeguards in the Children Act 1989 are not applied. Educational provision and support for the transition to independent living need strengthening for these children. Children in hospices do not have the same level of protection as other vulnerable children. There are worries about the arrangements to check health staff with unsupervised access to children, particularly paediatricians who have been in post for many years and GPs.

Dealing with abuse

Protecting against abuse

There has been some action to increase the information available to people working with children and families about child abuse but much more could be done to increase public awareness of the risks to children and what measures can be taken to protect them, for example, regular information programmes for parents.

There has been an increase in information for children and young people and an indication that they are seeking help earlier. However, there are still gaps in the information provided by the Government and children's organisations to ensure that it is accessible for all ages and available in a range of formats, so children and young people can recognise abusive behaviour and know where they can seek help.

There have been improvements in the arrangements for checking people who work with children but, since convictions are secured on only a

relatively small proportion of abusers, there is a danger of over-reliance on police checks. Rigorous checking of other information such as life histories, references and probing interviewing is also needed. This has been a weak link; the Bichard Inquiry in 2004 highlighted the need for better recording, handling and sharing of such 'soft' information.

Dealing with the consequences of abuse

There has been no improvement in bringing perpetrators of child sexual abuse to justice. This undermines efforts to prevent unsuitable people working with children. Research is needed on why the rate of convictions for offences against children is so low and on what actions might remedy this.

Efforts have been made to improve arrangements for child witnesses though there have been delays in implementation and application is uneven and under-resourced. Little attention has been given to arrangements for disabled and very young children. There is little training on child development in the criminal justice system.

Help and treatment for abused children is still inadequate. In particular, major improvements in the accessibility and quality of Children and Adolescent Mental Health Services (CAMHS) are needed.

Lack of sufficient treatment for sex offenders is a major issue. There is very little provision for female abusers – either in better identification or treatment. Similarly there is little work specifically on prevention and early identification of young offenders and for their treatment.

Conclusion: implications for policy and practice

Based on their review, the researchers suggest a number of recommendations for improving policy and practice. These include:

Gaps in policy and practice

- Focusing on ensuring that policies to protect children are properly implemented.
- Ensuring that children and young people are consulted and listened to in relation to decisions about their lives.
- Addressing the serious staff shortages in social services so that regulations can be fully complied with.

Vulnerable groups of children

- Obtaining further information about the needs of vulnerable groups of children, including: disabled children; children in hospital settings for long periods; children with emotional and behavioural difficulties; and very young children.
- Strengthening safeguards in private foster care, prisons and health settings.

- Addressing in a strategic over-arching policy the needs of all children and young people in the public care and leaving custody without parental support.
- Improving the quality of CAMHS and providing a range of treatment methods accessible in all localities.

Children in custody

- Reviewing (by the Home Office) the use and place of custody in society and what the alternatives are.
- Giving children in custodial units the same rights and access to universal services, such as health and education, as all other children.
- A 'Quality Protects' style programme for children and young people in custody with a view to improving the quality of service they receive and improving their life chances.
- Removing 17-year-old girls from prison establishments and transferring responsibility for under-18-year-olds in custody to DfES.
- Reviewing the size of custodial units and introducing mixed sex units.
- Extending the corporate parenting role of local authorities - with additional resources - to children in custody and applying to them the Children (Leaving Care) Act 2000 provisions.

Dealing with sexual abuse

- Developing and resourcing a comprehensive strategy to protect children from sexual abuse.
- Expanding treatment for those who abuse children – men, women and young abusers.
- Expanding national preventative schemes, on the lines of Stop it Now!, to provide information and advice for all adults, but especially for those who are abusing children, or fear that they may do so, and for those who suspect others may be abusing or being abused.
- Establishing active prevention and rescue strategies at the local authority level in relation to children being abused through prostitution.
- Establishing effective systems across the police service for recording and retaining 'soft' information and ensuring that target times for

entering criminal record information into the national computer are met.

- Research to find out why alleged offences against children have a low rate of conviction and the development of ways of improving the conviction rate.

About the project

This two-year study, commencing in June 2002, was carried out by independent consultants, Marian Stuart and Catherine Baines.

The first year of the project involved finding out what had happened on the *People like us* recommendations in the light of the *Government Response*. The Government Departments involved – DH, DfES, the Home Office, HM Customs and Excise and the Welsh Assembly Government – were consulted and relevant reports, research and other publications were identified and examined. After an initial analysis of the information obtained, views were sought from a wide range of organisations and individuals. At the same time as many as possible of the relevant major developments were tracked in the remaining year of the study - up to the end of May 2004. Government departments and the Welsh Assembly Government were consulted, and provided comments, on the final draft of the report.

How to get further information

Two reports have been produced from this study: **Progress on safeguards for children living away from home: A review of action since the People Like Us report** by Marian Stuart and Catherine Baines (ISBN 1 85935 255 3, price £14.95) and **Safeguards for vulnerable children: Three studies on abusers, disabled children and children in prison**, also by Marian Stuart and Catherine Baines (ISBN 1 85935 226 X, price £14.95). Order both reports together for £19.95 plus p&p.