



# The Government's Response to the Children's Safeguards Review

*Presented to Parliament by  
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Welsh Office  
Y Swyddfa Gymnaeg



HOME OFFICE



HM Customs  
and Excise

## EXECUTIVE SUMMARY

1. In November 1997, the Government published the report of the Review of the Safeguards for Children Living Away from Home. This Review had been conducted by Sir William Utting, following reports of widespread abuse of children in care. (A parallel review was carried out in Scotland by Roger Kent).
2. As Frank Dobson, Secretary of State for Health, said when publishing the report, "it presents a woeful tale of failure at all levels to provide a secure and decent childhood for some of the most vulnerable children. It covers the lives of children whose home circumstances were so bad that those in authority, to use the jargon, took them into care. The report reveals that in far too many cases not enough care was taken. Elementary safeguards were not in place or not enforced. Many children were harmed rather than helped. The review reveals that these failings were not just the fault of individuals - though individuals were at fault. It reveals the failures of a whole system."
3. Although the main focus of the report was children looked after by local authorities (there are about 55,000 of them at any one time), it also covers safeguards for other children living away from home, for example, in boarding schools and penal settings. In all, about 200,000 of the 12 million children under the age of 18 in England and Wales are living away from their parent's home for at least 28 days at any one time.
4. The report makes 20 principal recommendations, and over one hundred and thirty other recommendations, the aims of which include to:
  - improve protection for children in foster and residential care, in schools and in the penal system
  - provide more effective safeguards and checks to prevent abusers from working with children
  - provide more effective avenues of complaint and increase access to independent advocates
  - provide more vigilant management
  - provide effective disciplinary and criminal procedures
  - provide effective systems of communication between agencies about known abusers.
5. With the help of a Ministerial Task Force the Government has prepared a response to the principal recommendations of the report. The response covers England and Wales only. In Wales, the National Assembly will need to consider the way in which many of these commitments are to be taken forward and the mechanisms used to implement certain recommendations may differ from those employed in England. Where possible this response identifies where separate actions will be taken in Wales. A separate response to the Scottish review will be published. The key action outlined in this Response is as follows:

### Public Care

- a major three year programme in England and Wales called "Quality Protects", this will transform the public care system for children requiring the support of social services, particularly those looked after by local authorities. It will have a strong concentration on better outcomes, for which targets will be set
- a substantial new Children's Services Special Grant for social services in England totalling **£380 million** over three and a half years (made up of £5 million set up costs in the current year and £375 million over the following three years)

- the promotion of the voice of the child, including £450,000 over 3 years to establish a new group to provide a national voice for children in care and those formerly in care
- action to increase the numbers and skills of foster carers including local and national foster care recruitment campaigns, new funding for training publishing a Code of Practice on the Recruitment, Assessment, Approval Training, Management and Support of Foster Carers and National Standards for Foster Care
- resource improvements in post-qualifying training, take-up of vocational training (NVQs) and increase top management development for child care and child protection work

## Care Leavers

- legislating when Parliamentary time allows to ensure that the responsibilities of local authorities for care leavers up to the age of 18 and beyond correspond more closely with those accepted by any good parent (including keeping in touch with more young people after they have left care); and the responsibility for providing after care is placed on the local authority which has been looking after the young person
- taking action through the "Quality Protects" programme to improve services offered to care leavers
- improving services on the ground by promoting the spread and development of specialist schemes for care leavers; and disseminating good practice
- the development of radical new arrangements for 16 to 18 year olds, for announcement by April 1999, aimed at developing life skills and clarifying responsibility for financial support so that young people are looked after until they are demonstrably ready and willing to leave care

## Regulation

- legislate when Parliamentary time allows to bring all children's homes and independent fostering agencies within the regulatory system and to extend welfare inspections to boarding schools not currently inspected
- new arrangements for taking simpler and faster action against independent boarding schools and children's homes with unacceptable welfare standards

## Education

- new initiatives to improve the school attendance and educational attainment of looked after children and young people formerly looked after, and encouraging post compulsory education
- the introduction of training programmes to heighten boarding school staff awareness of welfare issues; and advice to parents on the welfare standards they should look for when choosing a school

## Health

- targets for improvements in the health of looked after children and in child and adolescent mental health services
- steps to monitor and safeguard the welfare of children in hospitals nursing homes, hospices and private hospitals

## Inter-agency

- use the new emphasis on the corporate responsibility of the local authority as a whole to improve the full range of

services for looked after children and other children who have special needs for help with social care, health and education because of disability, learning disability or educational and behavioural difficulties (EBD)

- stronger role for Children's Services Plans to make them a more effective instrument of corporate working within local government and between local government and other agencies
- revision of inter-agency guidance to improve child protection procedures

## Stopping dangerous people from working with children

- establish a new Criminal Records Agency to improve and widen access to police checks on people intending to work with children and other vulnerable groups and continue work as a matter of urgency to establish a "one stop shop": which provides access to the lists held by the DfEE and the Department of Health (see Annex C for information on these lists)
- enforce full compliance by social services authorities with the recommendations of *Choosing with Care* and adopt these principles in other settings where children live away from home
- legislate to create a General Social Care Council which will set the conduct and practice standards for the whole social care workforce and in due course register those working with children

## Penal System

- developing plans to hold all juveniles separately from adults in dedicated accommodation with significantly enhanced regimes and ensuring this reflects the principles and guidance contained in the Children Act 1989 and its regulations
- community based inter-agency work to tackle youth offending and the establishment of a Youth Justice Board for England and Wales with responsibilities to advise on and monitor standards for the care of sentenced and remanded children in all forms of juvenile secure accommodation, including Prison Service accommodation

## Criminal Justice

- taking forward many of the recommendations made by the CPS Inspectorate on cases involving child witnesses as part of CPS local management plans. Consulting on those which are relevant to the recommendations in *Speaking Up For Justice*
- HM Customs review of import and export controls on child pornography
- review law relating to sexual offences which would include the offences and penalties for those who use and abuse children in prostitution.

## Implementation and monitoring

6. Individual Government Departments will be monitoring implementation of action within their areas of responsibility. In addition, the Ministerial Task Force on Children's Safeguards will monitor the overall programme of action. Some of the proposals cannot be taken forward until there is time in the legislative programme.

7. The Government has taken into account the costs of the changes in setting the increased level of funding available for individual Departments under the Comprehensive Spending Review.

8. To help finance the improvement in services, the Government is introducing a Children's Services Special Grant totalling £375 million over 3 years. In addition, £5 million is being made available this year to help local authorities prepare for their

new responsibilities.

## Outcomes

9. All of the action set out in this document is designed to help deliver on the Government's commitment to improve the services, safeguards and outcomes for all children.

## INTRODUCTION

1.1 In November 1997 the Government published the report of the Review of the Safeguards for Children Living Away from Home which had been conducted in England and Wales by Sir William Utting and others following reports of widespread abuse of children in care (a similar review was undertaken by Roger Kent in Scotland). The Secretary of State for Health also announced that he would chair a Ministerial Task Force "to help the Government prepare costed responses to the principal recommendations of the report and then monitor progress with their implementation". A list of the Task Force membership is at annex A. It includes 10 Ministers from across Government, and expert advisers from both inside and outside Government. Ministers are particularly grateful to those from outside Government who have advised the Task Force. They have done so on a personal basis.

1.2 The Review made a number of principal recommendations, and over 130 other recommendations and suggestions for detailed change. These cover a wide range of areas including:

- the quality of local authority care for children they look after, and the support of those children and young people after they leave care
- education and health care for looked after children
- the regulation of foster care and children's homes, and boarding schools not already inspected
- checks on the suitability of people recruited to work with children
- the criminal justice system, including the prosecution of alleged child abusers, child prostitution and child pornography
- the youth justice system and the protection of children in custody.

1.3 The Government accepts the general principles of the Review report and almost all of its detailed recommendations. This Response describes a major action programme for change and improvement covering all the Government programmes which the Review examined. The Task Force identified three key principles to guide its work:

- children have a right to be protected against abuse. This is a provision of the UN Convention on the Rights of the Child which the UK has ratified. There cannot be any absolute guarantee that abuse will never occur. But, particularly for children living away from home, the Government has a responsibility to put all practicable safeguards in place to prevent it, to uncover it when it does occur, and deal severely with those responsible
- local authorities responsible for children in care should so far as possible provide those children with the support that children can normally expect from their parents. The parental responsibility for a child in its care is the highest priority in the children's field for a local authority
- in discharging that responsibility the care authority should normally be able to look to other public services, such as health and education, for the help that any ordinary parent can expect.

1.4 The actions the Government has decided on in England and Wales are set out in the Executive Summary. They aim to offer a clear framework for developing services to ensure all children have the love, care, safeguards, support and opportunities they need for the whole of their childhood and can gain maximum life chances. The key changes are:

- the reform and renewal of the public care system
- improving the education of looked after children



- increasing the choice of placements for looked after children
- improving services for care leavers
- radical improvements to procedures to prevent dangerous people from working with children
- stronger emphasis on inter-agency working and the corporate responsibility of the local authority
- better safeguards for children and young people in all settings away from home.

## Implementation and Enforcement

1.5 The material in the following chapters explains in more detail what is intended in each of the main areas. Each chapter also explains how the Government's policies will be monitored and enforced. The Task Force will have a continuing role in helping the Government to monitor implementation of the policies to which it is committed.

1.6 Annex B lists all the recommendations and suggestions made in the Report of the Children's Safeguards Review with a note of the Government's response and/or a reference to where the recommendation is dealt with in the main body of the report.

1.7 Where planned changes need legislation which is not already enacted or before Parliament, the timing will depend on the legislative programme. Work will, in the meantime, continue on the details of the legislative changes necessary, and some important issues of detail will be announced in the run-up to legislation. This will include, for example, the way the new General Social Care Council and the existing Consultancy Index held by the Department of Health (see Annex C for details) link together. A Regulatory Impact Assessment will be undertaken and made available.

1.8 There are other areas where further work or consideration is needed before detailed implementation plans can be announced - as set out in the main text and in Annex B. This will be taken forward as quickly as possible.

1.9 The Task Force assessed the costs of the changes proposed. It has taken into account, as fully as possible, these costs when setting the increased level of funding in the Comprehensive Spending Review.

## Outcomes

1.10 The programme of action described in this document will help to deliver on the Government's commitment to improve the services, safeguards and outcomes for all children. Each chapter includes references to the outcomes expected from the policies outlined.

## PUBLIC CARE

### The Children's Safeguards Review

#### 2.1 The key recommendations on public care were:

- a protective strategy must include management which pursues overall excellence and quality and is vigilant in protecting children and exposing abuse. The protection offered by high quality services and procedures is an essential theme
- choice of placement for children looked after by local authorities is a fundamental safeguard, and is often inadequate. As a result, too many placements prove unsuitable and children have unstable and unsuccessful "care careers"
- local authorities must carry out their statutory duties and follow existing regulations and guidance
- protection from abuse and harm should be consistent in all settings in which children are away from home
- there needs to be an inspection of the recruitment and support of foster carers, followed by a Government code of practice
- local authorities must pay attention to all aspects of a child's development and in particular to the educational and health needs of the children they look after, and ensure a better transition to independent living
- local authorities should make direct use of the experience of the young people they look after in developing policy, practice and training for services for children who live away from home
- consideration needed to be given to issues specific to black and ethnic minority children when planning services
- a national organisation to promote the voice of the child was needed
- children should be provided with the information they need to protect themselves
- services for runaways should be planned for and arrangements for tracing children established. The reason for a child going missing must be identified to ensure they are not returned to an abusive placement
- Wales needed a strategic plan for children in need
- child protection investigations needed to use specialist staff but these should not be employed by the LOCAL AUTHORITY under investigation
- a sharp increase in the number of social services authorities in England and Wales meant services for children were dispersed among a larger number of providing agencies. The centre therefore had a greater responsibility to secure consistent standards nationally in protecting and promoting the welfare of children. The Department of Health and the Welsh Office should identify a dedicated group to drive through the changes needed to raise the standards of residential child care and the Departments should review and reissue in the medium term their guidance on the Children Act 1989.

### The Government Response

2.2 These recommendations are accepted. The Government is convinced that the quality of the public care system in which children are looked after by local authorities is unacceptably low. Reports by the Social Services Inspectorates in England (SSI) and Wales (SSIW) have confirmed the diagnosis made in the Children's Safeguards Review.

2.3 The Government considers that when an authority accepts parental responsibility for a child it can have no greater priority than carrying out that role effectively. This requires management, training, and process improvements, plus greater resources, and these will be delivered. But the most important development is one that should be in the minds of local authority members when they scrutinise the care arrangements in their area and account for them; **the local authority must act towards the children in their care as any good natural parent would act towards their own children.**

*2.4 Local authorities  
must provide support for  
looked after children in  
the same way as good  
parents would*

2.4 Parents bring love to their children. Public agencies cannot equal that but they can and must work to provide placements which offer the opportunity of developing appropriate attachments as a foundation of healthy growth and development and provide the other aspects of parental support. The Government expects local authorities to:

- provide care, a home, and access to health and education and other public services to which all children are entitled according to their needs
- provide a mixture of care and firmness to support the child's development, and be the tolerant, dependable and available partner in the adult/child relationship even in the face of disagreements
- protect and educate the child against the perils and risks of life by encouraging constructive and appropriate friendships, and discouraging destructive and harmful relationships
- celebrate and share their children's achievements, supporting them when they are down
- recognise and respect their growth to independence, being tolerant and supportive if they make mistakes
- provide consistent support and be available to provide advice and practical help when needed
- advocate their cause and trouble-shoot on their behalf when necessary
- be ambitious for them and encourage and support their efforts to reach their potential, whether through education, training or employment
- provide occasional financial support, remember birthdays and Christmas or annual celebrations within the individual child's religion and culture
- encourage and enable appropriate contact with family members - parents grandparents, aunts and uncles, and siblings
- help them to feel part of the local community through contact with neighbours and local groups
- be proactive, not passive, when there are known or suspected serious difficulties.

The Government will ensure that this list of expectations on local authorities as corporate parents is disseminated to all local authorities. All initiatives in the public care system will be based on these expectations.

## Quality of Services - "Quality Protects" programme

*2.5 The Government has*

*launched "Quality  
Protects" - a programme  
to overhaul services for  
children*

2.5 A major programme of work, lasting three years, was launched by the Department of Health on 21 September. "Quality Protects" will lead to a radical overhaul of services for children, concentrating especially on the public care system. It will tackle problems of attitudes, standards, management, service delivery and training and ensure the tax-payer gets value for money.

2.6 By March 2002, the Government will expect all local authorities to have strengthened their management and quality assurance systems to enable them to carry out their statutory duties properly and deliver high standards for children's services. The Department of Health will provide support to help local authorities improve their performance. A similar programme, based on the same principles, will be taken forward in Wales by the Welsh Office.

*Objectives*

*2.7 Objectives set for  
children's personal social  
services*

2.7 The Government has set new objectives for children's services. These were set out in full in the material launched by the Secretary of State for Health at the "Quality Protects" conference, and comments have been invited on the detail of the sub-objectives and targets. They will also be set out in the forthcoming Social Services White Paper<sup>1</sup>. They include:

- to achieve secure attachments to carers capable of providing safe and effective care for the duration of childhood
- to ensure that children are protected from emotional, physical, sexual abuse and neglect
- to ensure that children in need generally, and children looked after in particular, gain maximum life chance benefits from educational opportunities, health care and social care
- to ensure that referral and assessment processes discriminate effectively between types and levels of need and produce a timely service response
- to ensure that children with specific social needs arising out of disability or a health condition are living in families or other appropriate settings in the community where their assessed needs are adequately met and reviewed
- to ensure that resources are planned and provided at levels which represent best value for money, allow for choice and different responses for different needs and circumstances

*Targets*

*2.8 Targets set for*

2.8 Targets for achieving these objectives were published in the National Priorities Guidance for Health and Social Care (NPG) on 30 September. All are designed to reduce the gap between outcomes for looked after children and those of other children. Local authorities will be required to corporately endorse these objectives and show that their children's services plans have them at their heart. The Government requires local authorities to make and demonstrate significant progress in all the areas covered by the objectives and is consulting on the means of measuring some of these in the consideration of a range of sub-objectives also issued on 21 September. Initially there are two key targets for children looked after. The Government will set further, more ambitious, targets in the light of experience.

### *Placements*

2.9 A count of the number of different placements a child has had over a period of time provides a rough measure of the stability of care that that child has experienced. Stability of care is essential for a child to have a successful outcome from care, for example, placement moves often mean school moves, which disrupt a child's education. However, some children have a large number of placements in a year for very good reasons. To achieve the target below, local authorities will need to ensure that they improve their supply of placements, assessment procedures and the matching of individual needs to the places available.

The target is:

- **the reduction in all authorities of the proportion of looked after children who have three or more placements in one year to no more than 16% in any individual authority by 2001**

As at 31 March 1997, 20% of children looked after had experienced three or more placements during the year; this figure had risen from 17% in 1993. Within this total, the figures for individual local authorities varied between 5% and 36%.

The 16% figure in the target is based on the top quartile point averaged over three years. If all authorities meet this, the national average will be at most 15% which compares favourably with the lowest figure on record of 17% in 1993.

### *Performance at School*

2.10 An estimated 30% of looked after children have statements of special educational need compared with 2 to 3% of children generally and one in four looked after children between 14 and 16 do not attend school regularly. In some authorities as few as 25% of children leave care with one GCSE or GNVQ. A number of initiatives aimed at improving attendance and attainment, including setting targets locally, are outlined in Chapter 5. At a national level, the target is:

- **local authorities to improve the educational record of the children they look after so that the proportion of children leaving care aged 16 or above who have gained at least one GCSE or GNVQ qualification increases to 50% by 2001, and to 75% by 2003**

### *Service Developments*

## *2.11 Key areas for service*

2.11 Key service developments which local councillors and officers are expected to work to deliver are:

- improvements in assessment, care planning and record-keeping
- an increase in the choice of foster and residential care placements, and improvements in commissioning placements
- improvements in the management of children's services, including more and better use of management IT systems
- improvements in the quality assurance systems in place to enable them to check that their services are meeting local and national objectives and that children are benefiting directly.

In delivering these service developments, local authorities will be expected to show:

- that they are working within the context of an overall vision for their children's services, which is aimed at achieving the objectives set out above
- the local authority is working closely with other interested organisations particularly the NHS, and that, within the local authority, all the relevant departments are working together.

### *Central Support*

***2.12 Department of  
Health will provide help  
for local authorities***

2.12 To help local authorities to achieve this the Government will fund eight regional development workers who will assist authorities to examine their need for reform, disseminate materials and methods, and exchange expertise and experience. Central action to assist authorities will also include:

- establishing a focused team in the Department of Health to lead the programme of action
- publishing a new assessment model for children and families in need in the community in 1999
- introducing a national collection of expenditure returns across all children and families services, in a way that generates financial management information local authorities need for their own purposes
- disseminating research relevant to the management of children's services promoting, in particular, the forthcoming research overview report *Caring For Children Away from Home - Messages from Research*
- promoting a "learning set" to enhance senior and middle management capability
- providing councillors with information on the performance of their own and other authorities in a number of key indicators so that they can compare levels of services
- investing to improve the skills in the child care workforce. The proposed developments are covered in Chapter 8.

### *Linked Initiatives*

***2.13 Department of  
Health and Welsh Office  
will be taking forward a  
range of other work to  
improve the quality of  
children's services***

2.13 In addition to the main strands of the "Quality Protects" programme, the Department of Health and Welsh Office will:

- ensure proper complaints procedures are in place in all residential care settings involving looked after children and that all children looked after are encouraged to use the local authority's own complaints procedures when necessary
- undertake further work on the potential for using independent specialist staff in complex child protection cases
- ensure social services help children access the care and services they need from other agencies
- ensure that when planning services local authorities and others give consideration to issues specific to black and ethnic minority children
- require Social Services Departments to work to prevent racial harassment maintain links with cultural and linguistic backgrounds, and deal with areas of particular vulnerability
- provide information to protect and educate young people on unsafe practices and situations
- develop a children's strategy for Wales. The Welsh Office will work with the Welsh Local Government Association (WLGA) and others to take this forward.

2.14 Fuller details of the English "Quality Protects" programme were made available at the launch on 21 September, and more information will be sent to local authorities and other interested parties shortly. Details about the parallel arrangements for Wales will be available later this year.

## Promoting the Voice of the Child

*2.15 Promoting the voice  
of the child is a key theme  
of "Quality Protects"*

2.15 The "Quality Protects" programme will promote:

- the involvement of children in decisions on their care
- the involvement, as appropriate, of young people in developing policy practice and staff training on a national basis
- the provision, by local authorities, of children's rights services and a mechanism for children's voices to be heard
- the provision of an independent visitor to all looked after children statutorily entitled to one, and the extension of befriending and mentoring schemes
- the involvement of young people in local planning and in local developments.

2.16 The Government has also commissioned the voluntary organisation First Key to establish a group to provide a national voice for children in care and those formerly in care and to promote their interests and has agreed funding of £450,000 over the next three years. The Welsh Office will continue to support Voices from Care, a national organisation of young people who are or have been looked after. The Welsh Office has also commissioned research into advocacy services for children in Wales in 1998/99.

## Improving Choice and Quality of Placements

*2.17 In order to achieve  
good quality care, there*

*must be an adequate  
choice of placement*

2.17 Preceding paragraphs make it clear that the Government is committed to ensuring that children should have as stable an experience as possible while looked after by local authorities. In order to achieve this, there need to be sufficient placements available for children to be given one that is right for them. Improving choice of placements is a key aspect of the "Quality Protects" programme, but the Government will also be taking other action to improve the choice and quality of placements, in particular:

- the Department of Health and Welsh Office will work with the Local Government Association (LGA), the WLGA and the Association of Directors of Social Services (ADSS) to design strategic arrangements for residential and foster care services and review arrangements for specialist services
- encourage local authorities to form regional groupings to review the placements available and commission better specialist facilities
- encouraging targeted local campaigns for foster carers
- working with the ADSS and foster care interests to launch a national foster care recruitment campaign
- funding more training for foster carers to ensure that they have the skills necessary to care for children placed with them (on 18 September 1998 a letter was sent to Directors of Social Services in England, inviting bids for a £500,000 Training Support Programme (TSP) sub-programme for 1998/9, and indicating a larger sub-programme for training for foster carers for 1999/2000 onwards of approximately £2 million a year over a 3-year period.
- drawing up and publishing a code of practice for the recruitment and training of foster carers by April 1999
- funding the National Foster Care Association to draw up National Standards for Foster Care for publication in April 1999.

## Services for Children who go Missing

*2.18 All local authorities  
must have appropriate  
procedures for dealing with  
children who go missing*

2.18 A child who goes missing from care should cause the utmost concern for a local authority. Research commissioned by the Department of Health demonstrates that there is considerable risk attached to every incident whether or not the child is missing for the first time or as part of a pattern of running away and returning. Like any concerned parent, the local authority should notify the police immediately and work urgently with them to trace the child.

2.19 The Government welcomes the joint guidance on the action to be taken when a child goes missing which has been drawn up by the LGA and the Association of Chief Officers of Police (ACPO). This will be developed further by Government on the basis of recently published research by York University, and will then be issued as statutory guidance, by April 1999.

2.20 It is particularly important that whenever a child returns, or is returned by others, a full assessment should be made of the reasons why the incident occurred and whether the child's placement remains suitable. Accurate records must be maintained of every incident and senior managers should examine both the reasons why children have gone missing and any variation in the rate at which they run away from different children's homes and foster carers.

*2.21 Further work being  
done on refuges*



2.21 The Government also recognises the importance of refuges which cater for young people. It will work constructively with local government and voluntary bodies to strengthen their role and financial basis.

## Other recommendations

2.22 The complete overhaul of the public care system will help to deliver many of the recommendations made by the Children's Safeguards Review. More detailed responses to individual recommendations are given in annex B.

### Implementation, Monitoring and Enforcement

2.23 The action outlined above will be taken forward to the following timetable:

- the "Quality Protects" programme was launched in England on 21 September, and will run for three years; a similar programme will be launched in Wales
- training improvements have already begun and will run for at least the next two years - see Chapter 8
- a group for young people looked after and formerly looked after is in the process of being set up and has agreed funding for the next three years
- the Code of Practice on the Recruitment, Assessment, Approval, Training Management and Support of Foster Carers and the National Standards for Foster Care will be issued in April 1999
- guidance on children who go missing will be issued by April 1999
- work on the financial basis of refuges has already begun.

#### ***2.24 Improving children's services - there will be careful monitoring of local authorities' performance***

2.24 The development of the "Quality Protects" agenda in each authority will be closely and continuously supported and monitored throughout the three year period. The support and monitoring will be expert and professional; regional development workers and Social Care Regional Offices (SCR) will work in partnership with local authorities. Particularly close checks will be kept on the number of placement moves being made by children, their educational achievements, and on the implementation of guidance on missing children. Once the "Quality Protects" programme has gone far enough to show significant outcomes the SSI in England and Wales will carry out inspections to check on progress.

2.25 These arrangements to support the development of "Quality Protects" will be backed up by redefined and strengthened arrangements for monitoring social services performance. The Department of Health is developing a new approach to performance issues which will support the proposals for securing "Best Value" set out in the White Papers *Modern Local Government - in Touch with the People* and *Local Voices*. The new arrangements will draw on the existing programme of SSI inspections and SSI/Audit Commission Joint Reviews and an enhanced performance assessment framework bringing together the key statistical information on social services performance will support these activities and inform local performance management.

2.26 The Government will act where authorities fail to deliver acceptable standards. The proposed new intervention powers to support "Best Value" will enable the Government to make appropriate and effective interventions. The forthcoming Social Services White Paper will give further details of our new approach to social services performance.

## Funding

2.27 The Government accepts that additional resources will be required by local authorities to achieve the objectives set out in this chapter and in chapter 4 on improving services to care leavers. It also believes that local authorities' expenditure on children's services which now amounts to some £2.25 billion has considerable scope for improvements in effectiveness and efficiency. Those improvements will be pursued in the "Quality Protects" programme as they will through the wider programme that the Government has initiated for "Best Value" throughout local government.

***2.28 Substantial additional money to fund improvements - but this will be payable only if progress is made***

2.28 In addition, the Government is introducing a substantial new Children's Services Special Grant, totalling £380 million over three and a half years, for social services authorities in England. The funding will be targeted at significantly improving outcomes for children in need in general, and looked after children, and care leavers in particular. It will be linked to the production by local authorities of satisfactory action plans under the "Quality Protects" programme. Local authorities progress will be monitored by the Social Care Regions during the course of the programme. If progress is inadequate, then part or all of the grant will be withheld until the necessary steps are undertaken or more specific conditions will be made on the grant to ensure weaknesses identified are rectified.

2.29 Payments under the grant will total £75m in 1999/2000, £120m in 2000/2001 and £180m in 2001/2002. In addition, £5m is being made available in the current financial year, to help local authorities prepare for the "Quality Protects" programme. Further details, including the basis for allocations, will be made available in the forthcoming management circular on "Quality Protects".

2.30 The Welsh Office has a looked after children development fund, with a budget of almost £1m in 1998/99, to enable local authorities in Wales to take forward projects to improve services for looked after children. The Welsh Office will ensure that adequate resources are available to improve the services for looked after children and will announce details later in the year in line with the Welsh Office annual review spending cycle.

## Outcomes

2.31 The Government expects these policies to deliver, among other things:

- significant improvements in assessment, decision making and planning for children requiring social care assistance
- availability of a wider and more suitable range of placements
- fewer emergency changes of placement and of carer and a general trend towards more stable care relationships with no more than 16% of looked after children having 3 or more placements in one year in any authority by 2001
- fewer children to under-achieve as a result of marginalisation or exclusion from health, social care and education benefits
- increased numbers of looked after children to be attending school and achieving qualifications so that at least 50% of care leavers have one GCSE or GNVQ qualification by 2001
- improved data collection and information availability.

<sup>1</sup>Separate White Papers will be issued for England and Wales



## REGULATORY ISSUES

### The Children's Safeguards Review

#### 3.1 The key recommendations were:

- to regulate small private children's homes which unlike other children's homes are not currently registered and inspected
- to register all independent fostering agencies
- to register and approve all private foster carers
- to extend welfare inspections under Section 87 of the Children Act 1989 to all boarding schools
- establish a General Social Care Council to regulate professionals
- review and consider simplifying and making more effective the requirements to dually register as a school and a children's home
- review the Notice of Complaint procedure for closing down independent schools with a view to reducing the bureaucracy and the length of the process
- to make sure that children with disabilities in registered care homes and children in nursing homes and hospices were safeguarded by appropriate regulation.

### The Government Response

#### *3.2 Better regulation to safeguard children*

#### 3.2 The Government will introduce legislation when Parliamentary time allows to:

- make all types of children's home subject to the same regulation and inspection provisions, including small private homes with three children or fewer
- register and inspect all independent fostering agencies and introduce comparable regulation of relevant aspects of local authority fostering services
- extend Section 87 (which requires welfare inspections of independent boarding schools) to all schools with boarding provision
- establish a General Social Care Council for regulating social work training and to take responsibility for setting conduct and practice standards for all social services personnel. The Government will have powers to make the council a registration body for occupational groups in the social services workforce. It intends to use this power to register qualified social workers and other qualified staff working in children's services at an early stage in the new council's existence.

#### *3.3 New regional regulatory bodies to*

*regulate children's homes,  
independent fostering  
agencies, local authority  
fostering services and the  
welfare aspects of boarding  
schools*

3.3 The new regulatory changes will be covered in more detail in the forthcoming Social Services White Paper. All regulation of children's homes, independent fostering agencies, relevant aspects of local authority fostering services and the welfare aspects of boarding schools will be undertaken by new independent regulatory arrangements to be announced in the Social Services White Paper.

*3.4 More effective  
enforcement of current  
regulations on private  
fostering*

3.4 The Government will not seek legislation to require local authorities to register private foster parents. It does not consider that a new system of regulation is necessary as there is already a wide range of offences associated with private fostering and the Government does not believe it would be right to extend them further. However, it will take steps in 1999 to enforce the current regulations for private fostering more effectively. This action will include an awareness campaign and will be targeted at the most vulnerable groups of children. When Parliamentary time allows, legislation will be introduced to target the private fostering regulations at placements (whether singular or consecutive) lasting more than 42 days. The Government will also work with a range of agencies to draw up a Code of Practice for language schools bringing children from overseas.

3.5 New arrangements for taking simpler and faster action against schools which fail on welfare grounds are also being developed. Improved welfare arrangements for all independent schools, including those with boarding, are being considered by the DfEE and Welsh Office as part of a wider review of the existing statutory system of registering and monitoring all independent schools. This will be the subject of a consultation exercise and may require legislation to implement changes. Comparable changes will be made in the powers for acting against children's homes with poor welfare standards.

3.6 As part of the work on regulating children's homes, the Government will ensure that the welfare standards for children (often with disabilities) in registered care homes, nursing homes, independent hospitals and hospices are properly taken into account and will announce proposals in 1999.

3.7 The Government will simplify and clarify procedures for dual registration as schools and children's homes. More details will be announced in 1999.

3.8 In drawing up these proposals the impact has been considered. As they are developed further a more in depth assessment will be undertaken and a full Regulatory Impact Assessment produced.

### **Implementation, Monitoring and Enforcement**

3.9 The Government will set out its plans in the forthcoming Social Services White Paper to introduce legislation as soon as Parliamentary time allows to:

- introduce new arrangements for the regulation of all children's homes
- regulate independent fostering agencies
- regulate relevant aspects of local authority fostering services
- extend Section 87 welfare inspections to all boarding schools
- establish a General Social Care Council to set conduct and practice standards for all social care personnel

- deal more effectively with unsatisfactory schools and children's homes.

While waiting to introduce legislation, the Government will draw up more detailed plans for the future arrangements including plans to target private fostering regulations at placements lasting more than 42 days.

3.10 During 1999 the Government will take action to enforce more effectively the existing private fostering arrangements. This will include an awareness campaign. The Government will also work with relevant organisations to draw up a Code of Practice for language schools bringing children from overseas.

3.11 The Government will monitor carefully the performance of agencies through the SSI and OFSTED. Where arrangements are not satisfactory the Government will not hesitate to use its powers of intervention.

### Outcomes

3.12 These policies will deliver:

- improved protection for children living away from home
- improved welfare arrangements in all settings in which children live away from home.

## CARE LEAVERS

### The Children's Safeguards Review

4.1 The Review reached three main conclusions about care leavers:

- the care system provides many children with better support than is available to them anywhere else, but children leaving care are deprived of it at the most critical stage of their lives
- schemes to prepare young people are commended but there were concerns that some authorities appeared to be encouraging premature "independence"
- the Department of Health/Welsh Office should amend Section 24 of the Children Act to convert into a duty the local authority's present power to assist a child it has looked after, and to make clear that the "care" authority is responsible for after care.

### The Government Response

#### *4.2 Better support for care leavers*

4.2 The Government accepts these conclusions and is determined to secure a better future for care leavers. It will take forward a range of initiatives aimed at delivering this by:

- improving the quality of the care system so that young people are better prepared for adulthood
- legislating when Parliamentary time allows to ensure that the responsibilities of local authorities for care leavers up to the age of 18 and beyond correspond more closely with those of parents (including keeping in touch with more young people after they have left care); and ensuring the responsibility for providing after care is placed on the local authority which has been looking after the young person
- improving the educational outcomes of looked after young people and encouraging post compulsory education
- improving services on the ground by promoting the spread and development of specialist schemes for care leavers; and disseminating good practice
- developing new arrangements for 16 to 18 year olds, for announcement by April 1999, aimed at developing life skills and clarifying responsibility for financial support so that young people are looked after until they are demonstrably ready and willing to leave care
- improving assistance to care leavers to obtain suitable and affordable accommodation, including issuing guidance to housing and social service departments on the accommodation needs of care leavers and the support they require to maintain a stable tenancy
- reducing the incidence of youth homelessness.

### Parental responsibility

4.3 There has been an increasing trend to discharge young people from care early. The proportion of care leavers aged 16 to 18 who leave at the age of 16 increased from 33% in 1993 to 40% in 1997, largely, it seems, as a cost saving measure by local authorities. This trend is alarming. The majority of ordinary families continue to provide a substantial measure of support to their children until they reach at least 18; the average age at which young people now leave home for independence is estimated to be 22. Moreover, care leavers are likely to be rather more dependent than others at that age in view of their personal and educational histories.

4.4 The Government is committed to reversing the trend of turing children out of care too early. It believes:

- local authorities should look after young people of 16 to 18 and help them to develop the life skills they need until they are demonstrably ready and willing to leave care and live independently, with support if necessary
- the movement out of care should not mean the withdrawal of personal support
- where appropriate there should be staged moves towards independence with the ability to return to a more supportive arrangement should this prove necessary
- there should not be a financial incentive to encourage local authorities to discharge young people early.

#### ***4.5 Radical new arrangements for care leavers for the future***

4.5 To meet these aims the Government is drawing up plans in consultation with local councils and voluntary bodies for radical new arrangements for 16 to 18 year olds aimed at developing life skills and clarifying responsibility for financial support. This will use existing funding in innovative ways and will be based on a requirement for every young person in care on their sixteenth birthday to have a care and aftercare plan.

4.6 Under the new system, each plan will have a clear "pathway to independence" mapped out. This would include:

- planned movements in accommodation (for example, dates when the young person will move into semi-independent accommodation, and when it is planned they will move on to more independent accommodation)
- an analysis of educational opportunities and career options
- assessment and plans for development of life skills (such as experience of paying rent, budgeting for food and bills and opening and handling a bank account).

The plan will need to specify who would deliver each of the components with approximate dates. The aim will be to reduce support over the life of the plan. The Government will produce and publicly announce detailed proposals for this new system by 1 April 1999.

#### ***4.7 Action to prevent inappropriate early discharge of young people***



4.7 In the meantime, as part of the improvements being promoted through the "Quality Protects" programme, local authorities will be encouraged to improve assessment of needs, draw up aftercare plans with each young person leaving care and to review them at periodic intervals. Plans should include an assessment of the young person's health, accommodation, employment, education and financial needs and should be used as the basis on which to determine the support and assistance to be offered under Section 24 of the Children Act. This assessment will require close collaboration between all the relevant agencies in the statutory and voluntary sector - social services, education, health, housing, employment and benefits - in drawing up a plan with the young person, together with a commitment to its implementation.

4.8 There will always be some young people who leave care early in the same way that other young people leave home because they have compelling reasons of their own. However, they should not be encouraged to leave, they should always be encouraged to reconsider, and if they do leave, they should be provided with the ability to have access to support and assistance when necessary. In order to afford these young people the sort of support that others might expect from their own parents, the Government will legislate to replace the current discretionary power under Section 24 of the Children Act with a duty to assess and meet the needs of care leavers up to the age of 18. Additional resources to cover this new duty will be made available as part of the new Children's Services Special Grant.

4.9 The Government is also minded to extend this duty until the young person reaches the age of 21. However, it will first study further the costs, limitations and affordability of doing so before proposing the necessary legislation. Subject to affordability and priorities, consideration will also be given to introducing a power to give assistance to 21-24 year olds.

## Quality of care experience

4.10 The success with which care leavers make their transition to independence often depends heavily on the quality of care and education they receive whilst in care. The reforms to the care system proposed in Chapter 2 and planned improvements to increase the educational achievements of looked after children in Chapter 5 should strengthen the prospects of these young people as they move into independence. This should also reduce the numbers choosing to leave early because they have lost trust in the system and wish to leave their poor care experiences behind them.

## Responsible Authority

4.11 Current legislation places responsibility for the provision of after care services on the local authority responsible for the area in which the young person is living. However, the Government believes that the authority who looked after the young person should retain their parental responsibility wherever the young person is living as a means of ensuring that this role of the care authority will continue until the young person no longer requires assistance - just like ordinary parents. The Government will therefore amend the legislation to place this responsibility clearly on the care authority.

### *4.12 Change to the responsible authority*

4.12 It will be open to local authorities to provide a direct service to care leavers, as many do at present, whenever a young person moves to an adjacent area or is in reasonably close proximity. However, where distance precludes this, the local authority will need to enter into clear contractual arrangements with the authority in whose area the young person is living about the level and nature of the services to be provided by the new authority; and to agree responsibility for the costs.

4.13 Where young people formerly in care move away from their home authority to attend higher education, or to take up an employment or training opportunity, the care authority will be required to provide them with information on who can be contacted both at their home and new authority.

## Education, Employment and Training

4.14 The Government is taking a range of action to increase the number of young people continuing in post-compulsory education or training and moving into employment. Preparing young people for leaving care and after care support should include inter-agency help in providing information on employment opportunities, advice on training needs and opportunities specific to the individual.

4.15 All Government agencies recognise the need to offer care leavers a range of opportunities and to help them take advantage of these:

- care leavers over 18 have been exempted from the six month qualifying period to be offered a work or training place on the New Deal and the needs of care leavers will be considered in other developments of the benefits system
- the 1998 Requirements and Guidance for Careers Services specifically identifies those in and leaving care as an important client group
- some programmes under the New Start initiative (which aims to develop improved opportunities for those who have become disengaged from learning or lack qualifications and skills) are specifically targeted at care leavers
- the needs of care leavers are being considered as new financial support arrangements are developed for further education students.

**4.16 Better education and training for care leavers**

4.16 The Government accepts that many care leavers take up educational opportunities at a later stage than other young people. For this reason as soon as Parliamentary time allows the Government will introduce legislation to remove the current requirement for care leavers to have already embarked upon a course in education or training at 21 in order to receive assistance beyond that age. Instead, all those formerly looked after for significant periods and in education or training will be eligible for assistance up to 24.

<b>Summary of Current and Proposed Local Authority Powers and Duties towards Care Leavers aged 16+</b>			
<u>Current</u>		<u>Proposed</u>	
16-18	duty to advise duty to befriend power to assist		duty to advise duty to befriend duty to assess and meet needs
18-21	duty to advise duty to befriend power to assist		duty to advise duty to befriend duty to assess and meet needs (under consideration)
21+	power to assist with education/training if course commenced before the age of 21	21-24	power to assist with education/training

4.17 The Government also recognises the disadvantages faced by care leavers in higher education who do not have a family home to return to for vacations. For this reason it will introduce legislation when Parliamentary time allows to require care

authorities to provide suitable accommodation, where necessary, during vacations from higher education for young people formerly in care up to the age of 24. For the current academic year, universities have been asked to pay particular attention to the needs of care leavers in allocating their access funds and will consider how extra help can be provided in the vacations from the start of 1999/2000 academic year until legislation is enacted.

## Accommodation

4.18 It is difficult for care leavers to find suitable and affordable accommodation. They may need a great deal of personal and other support to maintain a stable tenancy. The Government's new initiative for care leavers which will be developed and announced by April 1999 will help care leavers to develop life skills in a staged move to independence and should ensure young people are offered staged moves into independence.

4.19 In the meantime, the relevant agencies - social services, housing, benefits and voluntary agencies - must come together to assess and plan to meet the accommodation needs of care leavers. As soon as possible the Government will issue guidance to Directors of Social Services to accompany the forthcoming revised Code of Guidance on the Allocation of Housing Accommodation and Homelessness.

4.20 The new DETR and Welsh Office code will stress that where care leavers are placed in mainstream social housing they will need on-going support in order to be able to maintain the tenancy. It will also make it clear that both Housing and Social Services authorities have responsibilities to assist vulnerable young people and will require such duties to be exercised jointly to ensure that an appropriate combination of housing and support is arranged to help the young person to live independently and successfully. The social services guidance will also make clear that social service authorities should, as much as possible, prepare older children for independent living by encouraging skills such as budgeting for bills, caring for property and being a good neighbour.

4.21 The DETR Youth Homeless Action Partnership initiative which brings together central and local government in partnership with the voluntary sector to tackle homelessness amongst those aged 16-25 has agreed that the specific needs of care leavers should be considered as part of the examination of all aspects of youth homelessness.

## Specialist Teams

4.22 Research and inspection findings show the value of specialist leaving care teams in co-ordinating and delivering supportive services for care leavers. They have a particular value in working alongside carers and supporting established relationships with young people. Specialist teams are by no means universal and the Government will encourage the greater spread of such schemes. A short guide which draws on research evidence of what works, gives examples of good practice for helping care leavers from around the country and incorporates the views of young people, will be commissioned.

## Befriending and Mentoring

### *4.23 Importance of*

4.23 Young people who have left care may not have the parental support other young people can rely on and while some social workers and former carers do develop a long term befriending relationship with a young person the Government believes that there is a strong case for the development of befriending and mentoring schemes for care leavers. This should build on work being taken forward by a range of voluntary organisations, including the Prince's Trust. The Government will work with expert voluntary bodies and local authorities to promote these schemes for care leavers.

### **Implementation, Monitoring and Enforcement**

4.24 The Government will seek legislation when Parliamentary time allows to strengthen the duties of local authorities towards care leavers, and will issue new guidance on the whole range of care leaver services described in this chapter.

4.25 Although creating new duties on local authorities through primary legislation is an important step, most of the changes outlined above are within the present discretionary powers of local authorities, and the CSR settlement for social services includes new money to support these changes through the Children's Services Special Grant.

4.26 The Government therefore expects local authorities to make a serious start with improving services for care leavers as part of the "Quality Protects" programme from April 1999.

4.27 The Government will take forward central planning of radical new arrangements for care leavers using existing funding and will announce details of this before 1 April 1999. Implementation will be incremental and may include piloting.

4.28 As with the overhaul of the care system, the Government will closely monitor local authorities' progress with these new objectives for care leavers through the SSI and Joint Reviews. Ministers will, if necessary, use statutory powers of intervention and withhold special grant funding where progress is unsatisfactory.

### ***4.29 New objectives and target for care leaver support***

4.29 The Government's commitment to these improvements is shown by the inclusion in the new objectives for children's services of the following:

- **"to ensure that young people leaving care, as they enter adulthood, are not isolated and participate socially and economically as citizens".**

As part of the "Quality Protects" programme, the Government is also consulting on its plans to introduce two sub-objectives:

- "for young people who were looked after on their sixteenth birthday, to maximise the number engaged in education, training or employment at the age of 19"
- "to maximise the number of young people leaving care after their sixteenth birthday who are in touch with SSD, or a known and approved contact, on their nineteenth birthday".

A target which the achievement of this objective will be measured against has also been announced in the National Priorities Guidance:

- "to demonstrate that the level of employment, training or education amongst young people aged 19 in 2001/2002 and who were looked after by local authorities in their seventeenth year on 1 April 1999 is at least 60% of the level amongst others of the same age in the area".

The Government will also require local authorities to make significant progress in improving other outcomes for young people formerly looked after by 2001.

## Outcomes

4.30 The Government recognises that the results of policy development to improve the quality of care and after care will only be seen in the long term. It is hoped that the initiatives outlined above will help to deliver:

- a reduction in the number of young people discharged from care as soon as they reach their 16th birthday
- increased numbers in contact with the responsible authority, and receiving the support and assistance they need, at the age of 19
- increased numbers of care leavers in suitable accommodation and maintaining a stable tenancy
- increased numbers of young people formerly looked after in education training and employment, so that the level of employment, training or education in 2001/2002 for young people aged 19 and who were looked after by local authorities in their 17th year on 1 April 1999 is at least 60% of the level amongst others of the same age in the area
- fewer young people formerly looked after becoming socially excluded including fewer sleeping rough, in prison, dependent on benefits and living in poor conditions.

## THE EDUCATION SYSTEM

### The Children's Safeguards Review

5.1 Education forms a large part of the Children's Safeguards Review. The main issues raised were:

- welfare inspections of independent boarding schools under Section 87 of the Children Act 1989 should be extended to all schools with boarding provision
- corporal punishment should be banned for all pupils
- all organisations caring for children away from home should provide parents with relevant information about their arrangements for safeguarding children
- Government should sponsor a programme to inform parents and relevant staff about the risks to the welfare of children living away from home and about ways of reducing them
- payment of the Boarding School Allowance by the Ministry of Defence to service families should be conditional on parents seeking advice on prospective schools from the Service Children's Education Agency
- welcome for the Government's proposal to review the registration system for independent schools
- approved independent special schools should set up governing bodies similar to those in maintained and non-maintained special schools, with a duty for safeguarding and promoting pupil welfare
- local authorities should unify their educational and social services arrangements for assessing and supporting children with emotional and learning difficulties and their families
- action needed to be taken to ensure the educational needs of looked after children were met in the light of their poor educational outcomes.

### The Government's response

5.2 The Department for Education and Employment and the Welsh Office consulted on the Review's education recommendations. The majority of responses supported them. The Government welcomes and accepts in principle most of the recommendations.

## Schools with Boarding Provision

***5.3 Ban of corporal  
punishment in all schools***

***5.3 Enhancement of  
Service Children's  
Education Agency***

### 5.3 Action is being taken forward on the following:

- the School Standards and Framework Act 1998 outlaws corporal punishment for privately-funded pupils in independent schools, from 1 September 1999. The effect of this will be to ban the use of corporal punishment for all pupils in schools, both maintained and independent
- to achieve the "*elevation of all boarding schools to the high standards of the best*" as recommended by the Review a combination of legislation training programmes and guidance will be needed. To start, we will develop guidance and support training programmes for boarding staff; and promote guidance to parents on the welfare standards they should look for when they are choosing a school
- the Teaching and Higher Education Act 1998 gives the new General Teaching Councils (GTC) for England and Wales the power to take disciplinary measures against teachers on the grounds of unacceptable professional conduct or serious professional incompetence. Cases involving the safety and welfare of children will continue to be determined by the Secretary of State. The Secretary of State will take the GTC's advice in cases involving registered teachers (in Wales, the Secretary of State's responsibilities will transfer to the new National Assembly from mid 1999)
- the Ministry of Defence carried out a wide ranging review of the administration of the Admissible Schools List. This concluded that the advisory role of the Service Children's Education Agency should be enhanced and all claimants required to certify that they are aware that advice is available, or has been obtained, from the Agency. This will be implemented.

Additionally, it has been decided that, from 1 September 1999, schools will be included on their Admissible Schools List (to be renamed Accredited schools Database) only if they are members of an organisation affiliated to the Independent Schools Council or are in the maintained sector, or are governed by an appropriate professional or vocational organisation, and which, having been inspected under a DfEE (or similar) approved regime, agree to the inspection report being placed in the public domain. Revised arrangements will also be introduced for removing schools from the List when they fail to continue to meet the criteria, or when a Notice of Complaint is issued. Parents who choose to keep their children at such a school will jeopardise their entitlement to educational allowances

- welfare inspection reports made under Section 87 of the Children Act 1989 will be extended to apply to all schools with boarding accommodation
- new arrangements will be introduced for taking simpler and faster action against schools which fail on welfare grounds.

### 5.4 Other Review recommendations on which the Government is agreed and will be developing implementation plans include:

- ensuring that all boarding schools have appropriate formal complaints procedures (this may be taken forward as part of the Section 87 inspections)
- improving the process of Section 87 welfare inspection reports by ensuring they are reader-friendly, widely available and that responsibility for following up the recommendations is clear
- consulting early next year on the proposal to require approved independent schools to have governing bodies
- encouraging individual independent schools to include information about welfare safeguards in their brochures and the Independent Schools Information Service (ISIS) in their guide to choosing an independent school.

5.5 Response to our consultation on the Review's recommendations showed that there would be difficulties in requiring schools with more than 10% of children from overseas to have welfare inspections annually instead of every four years. This is firstly because the proportions of overseas pupils can fluctuate from year to year. Secondly, they do not appear to be directly correlated with the degree of welfare risk. Annual inspections of all schools over the threshold would also cost more. The frequency of inspections depends upon the apparent risks to pupils' welfare. The Government will ensure that the spirit of this recommendation is met by the frequency of inspections being appropriate to the vulnerability of the young people involved.

## Education of Looked After Children

### *5.6 Setting targets and monitoring performance*

### *5.6 Targeted funding to improve education of looked after children*

### *5.6 Guidance on good practice*

5.6 The Government is committed to improving the educational outcomes of children looked after, and as Chapter 2 makes clear, one of the key targets for improved outcomes for looked after children is in relation to their educational attainment. The Department for Education and Employment, the Department of Health and the Welsh Office are collaborating closely to promote significant improvement in the education and attainment of looked after young people. The following action is being taken forward:

- piloting new data collection systems in 10 local authorities in 1998/9 and reviewing the outcomes in early 1999. In addition to providing important technical information, this will provide an opportunity to consider some hard data and permit the Government to review the current target, with the intention of setting more ambitious ones
- using Educational Development Plans in England and Education Strategic Plans in Wales as a means of both setting more challenging local targets and improving the monitoring of local performance
- using Education Action Zones in England to focus on the education of looked after children. Guidance for the next round of applications will invite innovative proposals to improve the co-ordination and provision of services
- requiring Behaviour Support Plans, which authorities are publishing by the end of the year, to refer specifically to groups - like looked after children - who are particularly at risk of failing to fulfil their potential in education
- issue new guidance on school exclusion and pupil support, stressing the importance of bringing together all the relevant parties where a looked after child is at risk from exclusion, behaviour management, and reintegration after education outside school
- new provision within the Standards Fund in England to help prevent exclusion, and for special educational needs, are to be used in 1999/2000 to support LEA initiatives to improve the education of looked after children. Welsh spending plans will be announced later in the year in line with the Welsh Office annual spending review cycle
- working to help schools develop more effective strategies for dealing with EBD, which often develop as a result of family difficulties, including developing and disseminating knowledge on effective practice with EBD children, particularly early identification of difficulties, and effective intervention before these get worse
- developing new guidance on the education of looked after children highlighting key features of emerging good practice and reinforcing messages of good collaboration, for issuing for consultation in Summer 1999. This will become statutory for both education and social services
- preparing steps to secure the best possible links between schools (and secure units) over special educational needs and in due course backing this up in a revision of the Code of Practice on the Identification and Assessment of Special Educational Needs
- encouraging more schools to offer places to looked after young people by improving the content of the performance



tables so that they provide more contextual information on pupils who have special educational needs and through the new GCSE/GNVQ average point score so as to reflect the achievements of a wide range of pupils.

5.7 The Government will also consider:

- using the entry into care as a key opportunity to assess an individual child's educational needs and to develop a plan to deliver these
- new measures to encourage carers and social workers to take an interest in and promote the educational achievement of the children in their care.

### Implementation, monitoring and enforcement

5.8 The Government is taking forward the following action in relation to education:

- outlawing corporal punishment for all pupils in independent schools from September 1999
- using legislation, training programmes and guidance to get all boarding schools to have the welfare standards of the best
- improving the overall quality of teachers, with the setting up of the General Teaching Councils for England and Wales
- introducing new arrangements for inclusion on the Ministry of Defence's Admissible Schools List for parents claiming the Boarding Schools Allowance
- encouraging the inclusion of information on welfare safeguards in brochures from independent schools and ISIS
- making a number of regulatory changes, see Chapter 3
- consulting on the proposal to require approved independent schools to have governing bodies
- taking a range of action for improving the educational attainment of looked after children including setting and monitoring targets for 2001 and 2003

5.9 The DfEE will work with the Department of Health and the National Assembly in Wales to monitor the success of these changes in terms of the desired outcomes. Monitoring will be made possible by the introduction of new data collections from local authorities, the outcomes of Section 87 inspections, and inspections by SSI and OFSTED and SSIW and OHMCI in Wales (working both independently and jointly). It is also hoped that the planned new joint reviews involving OFSTED, SSI and the Audit Commission will consider these issues.

### Outcomes

5.10 The Government expects these policies to result in:

- improved welfare arrangements and protection for children attending schools with boarding provision
- increased numbers of children who become looked after will be kept engaged with education and learning
- improved educational achievement and life chances for children looked after, closing the gap between their outcomes and those of children generally
- better collaboration between LEAs and SSDs in the interests of the education of looked after children.



## THE HEALTH SERVICES

### The Children's Safeguards Review

6.1 The main issues raised by the Review related to the health needs of looked after children and to the protection of children whilst in a health care setting. It included:

#### meeting the health needs of looked after children

- looked after children were not receiving the health care they needed, in particular from mental health services. The Health Departments should facilitate appropriate action by local and health authorities to identify and meet the health needs of looked after children
- many looked after children had been abused, but were not receiving the treatment they needed. Local and health authorities should assess and meet the need for treatment of children who have been abused

#### protecting children in health care settings

- it appeared that Section 85 of the Children Act, which requires health authorities to notify local authorities about a child who has been or is intended to be in hospital for more than 3 months, was not being consistently followed. An SSI inspection should assess the matter
- there should be an inspection of the arrangements for safeguarding and promoting the welfare of children in all nursing homes and hospices in which children were accommodated
- units providing in-patient mental health services for children needed to be fully aware of child protection issues.

### The Government Response

6.2 The NHS is continually striving to improve the services it provides to all patients. The Government is determined that action must be taken to ensure that the health care needs of looked after children are met, and that children living in health settings are safeguarded and their welfare promoted.

## Meeting the health needs of looked after children

### *6.3 Meeting the basic health needs of looked after children is a priority*

6.3 The Government recognises that looked after children have particular health needs, with a high prevalence of both physical and mental illness. Meeting the basic health needs of looked after children was identified as a priority in the National Priorities Guidance (NPG) for 1999/2000 which was issued jointly to the NHS and social services authorities on 30 September 1998, and targets have been set for making improvements.

6.4 Entry to care is a key opportunity to identify the health needs of the child or young person being taken into care and to plan, with them, any necessary action. The NPG sets targets to ensure that all children entering care are offered a comprehensive health assessment, and have an appropriate treatment plan drawn up. The Government will issue further guidance on this in 1999.

### ***6.5 Improvement to child and adolescent mental health services to be given priority***

6.5 The NPG also specifically addresses child and adolescent mental health services within the joint priority for Mental Health Services. Priority will be given to building up core services, increasing staffing levels and developing multi-disciplinary teams within local child and adolescent mental health services. Building closer and more effective links with Social Services Departments will be an integral part of this process.

6.6 From 1999 a new annual reporting mechanism will monitor improvements at a national level. For the first time funding for child and adolescent mental health will be made available for further developments through the Mental Illness Specific Grant. In Wales, this grant has been subsumed into general allocations.

### ***6.7 Identifying the needs of children who have been abused***

6.7 To allow more effective commissioning of services, better information on the prevalence and nature of mental health problems in children and young people is needed:

- a survey of the mental health of children and young people throughout England, Wales and Scotland, commissioned by the Health Departments is now being piloted. The results of the main survey will be available at the end of 1999
- a project specifically to assess the needs of looked after children is being developed, and this will report in 2000
- the Welsh Office has commissioned a survey of child and adolescent mental health services in Wales to pinpoint deficiencies in the system
- the Welsh Office has commissioned a project to develop an information pack for primary school teachers on the sources of help available when a child shows signs of mental illness or emotional disturbance.

6.8 The needs of children who have been abused will vary according to the nature of the abuse and the individual circumstances of the child. A variety of agencies may be involved eg the NSPCC, as well as the NHS in providing services for these children. The Department of Health funds a number of research projects which aim to increase understanding of the causes of abuse, its prevention and the effectiveness of interventions for those children who have developed problems.

6.9 Looked after children may move frequently. This can disrupt treatment that they are undergoing. It has led to disagreements over which NHS agency should pay for their treatment. Revised guidelines on district of residency which will put an end to this will be issued in Spring 1999.

Protecting children in health care settings

6.10 The Government agrees that the operation of Section 85 of the Children Act should be assessed. Social Services Inspectorate (SSI) working in partnership with a NHS Executive Regional Office will undertake a thematic review as soon as possible, and the Government will consider the need for any further action once the results of the review are available.

### ***6.11 Child protection and welfare issues in non-NHS health care settings***

6.11 Residential care homes are currently regulated and inspected by local authorities and nursing homes, hospices and independent hospitals are currently registered and inspected by health authorities. In the regulations governing such homes, child protection and child welfare issues are not prominent and the Government will announce how best to ensure that child protection and child welfare issues are dealt with in 1999.

6.12 The Government agrees that special attention needs to be given to ensuring that children in in-patient mental health units are safeguarded. It will consider this further, when the forthcoming report by the Health Advisory Service 2000 on in-patient mental health units in Wales is available. The procedures for employing staff are covered in Chapter 8.

6.13 The Children Act and the Mental Health Act both apply in certain circumstances to children with mental health problems. Better guidance is needed to assist health professionals and social workers to determine how to work most effectively within the legislative framework. The Code of Practice for the Mental Health Act is currently undergoing a major revision, and the new version will specifically address the interface issue. Subject to Parliamentary approval the new Code will be published early in 1999.

6.14 In the longer term a review of the Mental Health Act has recently been announced. This will cover aspects relating to children and young people, such as the interface between the Mental Health Act and the Children Act.

6.15 Rules for the welfare and protection of children visiting high security hospitals are being developed.

### **Implementation, Monitoring and Enforcement**

6.16 The Government is taking action in the areas recommended by the Children's Safeguards Review by:

- requiring all children entering care to be offered a health care assessment and treatment plan. Guidance will be issued in 1999
- a programme of targeted investment in child and adolescent mental health services. The NPG for 1999/2000 sets targets for building up core child and adolescent mental health services
- continuing to build the evidence base for mental health problems in children and young people, including the specific needs of children who have been abused, to enable the NHS to best target its resources to meet identified needs
- assessing the use of Section 85 of the Children Act, to inform action as required
- including the protection of children in residential care homes, nursing homes, hospices and independent hospitals as part of its work on the regulation of children's services, and considering appropriate action to protect children in in-patient mental health units
- issuing a revised Code of Practice for the Mental Health Act which will specifically address the interface with the Children Act and, in the longer term, reviewing the Mental Health Act.

***6.17 Monitoring and  
performance assessment  
through NHS Executive***

6.17 The Government can and will ensure that the response to the Review's recommendations is implemented by the NHS. Progress towards the targets set in the National Priorities Guidance will be monitored through the regional performance management arrangements.

6.18 The Regional Offices of the NHS Executive manage the performance of NHS organisations within their Region working, as appropriate, with their counterparts in the Social Care Regions. Proposals to strengthen performance assessment were included in the White Paper *The new NHS*. In Wales these proposals were set out in the White Paper *Putting Patients First*. Regional Offices will have new powers to intervene on the Secretary of State's behalf on grounds of quality or if problems arise in partnership working with other agencies. The Government does not intend to change the principle that levels of service provision are best determined at local level. But health authorities and NHS Trusts must always take full account of national priorities and national guidance when considering the need for improved or additional services.

## Outcomes

6.19 The Government expects these policies to deliver:

- improved identification and delivery of services to meet the health care needs of looked after children with all children and young people being offered a comprehensive health assessment on their entry into care
- improved child and adolescent mental health services
- better understanding of mental health problems of children and young people in general, and looked after children in particular
- improved understanding of the workings of Section 85 of the Children Act 1989 to inform future action
- improved protection for children in registered care homes, nursing homes, private hospitals, hospices and in-patient mental health units
- a better understanding of the legislative framework for children with mental health problems and improved working within this.

## INTER-AGENCY WORKING

### The Children's Safeguards Review

7.1 The Children's Safeguards Review raised concerns about effective working between different agencies with responsibility for the care of children living away from home. Inter-agency working was the key factor in ensuring that the needs of children were met and their welfare protected. The main concerns raised were:

- the education needs of looked after children were not being met fully which resulted in poor educational outcomes for looked after children and underlined the need for LEAs and SSDs to work together to assess and meet their needs. They also needed to work more closely with the NHS to meet the needs of children with emotional and behavioural difficulties (EBD)
- the health needs of looked after children were not being fully met and the NHS and SSDs needed to work together to ensure that health needs were fully assessed and met
- the cooperation needed between all the agencies involved with disabled children was not taking place.

7.2 In addition, the Review recommended the establishment of a Ministerial Group on the Children's Safeguards Review and said that all Departments of State with responsibilities towards children should adopt the aim of promoting and safeguarding the welfare of children.

### The Government response

#### *7.3 New Government emphasis on inter-agency working*

7.3 Substantial improvements in inter-agency working are definitely needed. In addition to a range of actions on specific areas, set out in individual chapters of this document, much work is being taken forward to improve the way different agencies work together including schools working with other schools, SSDs with other SSDs, LEAs with other LEAs and Trusts and Health Authorities with other Trusts and Health Authorities.

7.4 All relevant agencies at a national and local level need to have shared objectives, and shared plans about how to meet those objectives. All Government Departments with direct responsibility for the welfare of children will have objectives appropriate to those responsibilities included in their Departmental Objectives from 1999-2000. They will have to spell out in their annual reports how far and how well they have achieved those objectives.

### The corporate responsibility of local authorities

#### *7.5 Emphasis on the corporate responsibility of local authorities for children in need*

7.5 The Government intends to create, as part of the "Quality Protects" programme set out in Chapter 2, a new emphasis on the corporate responsibility of every local authority as a whole to work coherently across all departments and with partner

agencies, to provide properly assessed and coordinated services for looked after children and other children needing the support of social services. Performance will be assessed against objectives which cover the range of inter agency responsibilities.

7.6 The emphasis on corporate responsibilities will be strengthened by the general programme of modernisation of local government set out in the White Paper *Modern Local Government - In Touch with the People* and the Local Voices White Paper in Wales which was published in July 1998. In particular, local authorities will for the first time be given clear discretionary powers to enter into effective local partnerships with other local services and bodies for any purpose which supports their functions, including the duty to promote the economic, social and environmental well-being of the area. With these powers, local authorities will be able to work with confidence with a wide range of other bodies to tackle difficult cross-cutting issues.

## Children's services plans

7.7 Planning for children's services needs to be rationalised, improved and made more effective. The Social Exclusion Unit is currently taking forward work on the whole range of different plans relating to children's services. The Government will take action once they have completed their work.

### ***7.8 Action to be taken to make children's services planning more effective***

7.8 One area of action will be the development of Children's Services Plans (CSPs). These should be the responsibility of local authorities corporately. They must involve the NHS in drawing up and implementing the Plans. Legislation may be needed to achieve this. CSPs will, in future, be required to outline how all of the relevant agencies will take action to achieve their objectives.

## Other action to promote inter-agency working

### ***7.9 Joint working between the NHS and local authorities***

7.9 The Government is taking a range of action to encourage joint working between the NHS and local authorities, for example:

- the creation of a new statutory duty of partnership for NHS bodies and local authorities to work together for the common good
- Health Improvement Plans and Health Action Zones requiring local agencies to work together
- the publication in September 1998 of a Department of Health discussion document *Partnership in Action* which considers how to improve joint working, and includes the intention to remove legislative barriers to allow new flexibilities such as the use of:
  - pooled budgets to make it easier to pull together a comprehensive integrated package of care
  - lead commissioners which will permit one authority (health authority, primary care trust or social services authority) to transfer funds and delegate functions to other authorities so that they can take responsibility for commissioning both health and
- social care



- integrated provision to enable an NHS Trust or Primary Care Trust to provide social care services beyond the level possible under current powers, or a social services in-house provider to provide a limited range of community health services.

7.10 At a national level the NPG for 1999/2000, which was published on 30 September, covers both the NHS and social services authorities in England. Its predecessor, the Planning and Priorities Guidance, dealt only with the NHS. These priorities include targets to provide a range of services to promote the physical and emotional well-being of children, especially those looked after.

### *7.11 Co-operation on youth offending*

7.11 In the field of youth justice, the Crime and Disorder Act places a duty on local authorities with social services and education responsibilities, the probation service, police and health authorities to co-operate to establish one or more youth offending teams and provide youth justice services for their area. The teams will be able to work with young offenders in the community, but they will also work with those identified as being most at risk of offending - which may include young people leaving local authority care. The Act also allows local authorities and the other relevant local agencies to establish a pooled budget for the provision of youth justice services and youth offending teams.

## Children with Disabilities

7.12 Inter-agency working is essential for good services for disabled children. The Review was concerned that there needed to be active co-operation between education, social services and health to ensure that disabled children were protected from abuse. The action outlined above will help with improved co-operation generally. The recently published children's services objectives include a requirement:

- "to ensure that children with specific social needs arising out of disability or a health condition are living in families or other appropriate settings in the community where their assessed needs are adequately met and reviewed"

This should ensure that agencies work together to provide disabled children with good quality care and support. In addition, we will ensure that the revision of Working Together covers the particular problems of protection for disabled children.

## Children with Emotional and Behavioural Difficulties

### *7.13 Better, co-ordinated services for children with emotional and behavioural difficulties*

7.13 The Review criticised the lack of thoroughness and effectiveness of joint working for children with EBD between education authorities and social services departments and recommended the creation of a pooled budget for this group. They also called for closer working with the NHS on assessment and the delivery of services. There are a number of initiatives which will promote joint working to the benefit of EBD children and their families. These include:

- local authority corporate responsibility will mean LEAs and SSDs have to work more closely together
- the creation of a new statutory duty of partnership for NHS bodies and local authorities to work together for the common good
- enabling budgets to be pooled between the social services and the NHS
- piloting of joint reviews involving SSI, OFSTED and the Audit Commission
- improving CSPs and rationalising other plans to improve joint-working.

7.14 There is no legal or practical reason why education and social services departments cannot co-operate and jointly fund initiatives. The key remains for local authorities to identify corporately the groups of children whose needs should be jointly addressed, agree objectives and the work needing to be done, who should take this forward and how this should be resourced. This, plus outcome monitoring mechanisms and plans for improved working with the NHS, should then be published in CSPs.

7.15 The Children's Safeguards Review also recommended that all EBD children should be automatically assessed as children in need. The Government does not accept this. It believes that the current system in place is most appropriate, providing procedures are properly carried out. This is why guidance will be issued in 1999 on assessment and planning as part of the "Quality Protects" programme.

## Child Protection

### *7.16 New child protection guidance*

7.16 Effective child protection systems for children living away from home require inter-agency co-operation. The Children's Safeguards Review calls for specialist teams of police and social services to carry out complex investigations of abuse in residential settings and for more effective avenues of complaint. In principle the Government supports the concept of specialist teams. This has been the subject of consultation on the revision of the *Working Together* guidance. The outcome is currently being considered. The Government has made its view clear that common child protection systems should apply, whether children are living at home in the community, are looked after by a local authority, or are boarders at a residential school. The Government intends to issue revised guidance in Spring 1999.

### **Implementation, Monitoring and Enforcement**

7.17 The key action being taken is:

- new emphasis on the corporate responsibilities of local authorities in relation to looked after children and children in need through the "Quality Protects" programme
- as soon as feasible following the Social Exclusion Unit's work on inter-agency planning, establish a better co-ordinated system of planning in relation to children's services, with all key agencies having a responsibility for being involved in and delivering against the Children's Services Plan
- on-going work to give greater emphasis to joint working between the NHS and local authorities, including the creation of a new statutory duty of partnership and follow up work to the discussion document *Partnership in Action*
- NPG for 1999/2000 covers both health and social care, with children's services as a priority
- revised child protection guidance to be published in Spring 1999.

7.18 Monitoring will be undertaken by a range of teams. SSI and OFSTED in England and SSIW and OHMCI in Wales will be undertaking some joint inspections. This is currently being piloted in Northumberland. Regional Offices of the NHS Executive will continue to monitor the NHS and to encourage inter-agency initiatives at a local level. Joint reviews by the SSI and Audit Commission and pilot joint reviews involving SSI, OFSTED and the Audit Commission will also consider the issues.

7.19 In addition, the Department of Health is developing new performance frameworks for the NHS and social services and is considering how central bodies including SSI, the Audit Commission and the new Commission for Health Improvement (CHI) might jointly inspect services at the interface.

## Outcomes

7.20 The Government expects these policies to contribute to:

- fewer children damaged through misjudgment or failures of communication between agencies when they need protection
- improved assessments which lead to effective intervention so that children no longer drift on and off the child protection register without a real improvement in their situation. This should reduce by 10%, by 2002, the proportion of children who are re-registered on the child protection register
- fewer children under-achieving as a result of exclusion from health, social care and education benefits
- reduced and more effective planning, delivering the services needed to a high quality
- increased numbers of disabled children and children with EBD receiving the services they need in a seamless way.

## STAFF RECRUITMENT AND SELECTION, SHARING OF INFORMATION AND TRAINING AND MANAGEMENT SYSTEMS

### The Children's Safeguards Review

8.1 The Children's Safeguards Review reached the following key conclusions in relation to staff:

- the provisions in the Police Act 1997 for improved police checks should be implemented and checks processed quickly. The new system should allow employers to request checks against the DfEE held List 99 and the Department of Health's Consultancy Index at the same time
- the *Choosing with Care*<sup>2</sup> principles around the recruitment, selection and appointment of staff should be implemented across all settings in which children live away from home including foster care, schools, hospitals and penal settings to ensure those unsuitable to work with children should not be able to obtain work in any setting
- a code of practice should be developed on the recruitment and selection of foster carers
- a protocol on the sharing of information between agencies for the purposes of child protection should be drawn up to clarify the law and consideration given to legislative change
- staff training should be promoted as a way of improving the quality of service and making staff aware of the issues around child protection including developing training opportunities for carers in relation to National Vocational Qualifications (NVQs) and the Diploma of Social Work (DipSW)
- materials to train all residential care workers, foster carers and staff in special schools on health, education, identity, family and social relationships, social presentation and self-care skills should be considered
- management strategies were needed which promoted openness, commitment and supervision in order to create a safe level of care.

### The Government Response

8.2 The Government agrees in principle with the Review's findings and has already instigated work on the main recommendations in this section.

### Exchange of information

8.3 It is very important that all information which is relevant to protecting children should be shared with those who need to be aware of it. The Government is determined to ensure all agencies use powers to disclose all relevant information, while meeting the the European Convention of Human Rights (ECHR) and data protection legislation requirements.

#### 8.4 Sharing of information - removing

8.4 The Government is taking positive steps to remove the current confusion over the legal position which leads to resistance to the sharing of information in circumstances where it should be shared. These include:

- inter-agency guidance on the sharing of information in relation to sex offenders where there is a need to protect children and vulnerable adults the Government will consult widely on this to ensure widespread adoption of best practice
- provisions in the Crime and Disorder Act 1998 which ensure that organisations which need to share information, for example as part of the Crime and Disorder strategies or in relation to the new sex offender orders, have the explicit power to do so
- a Code of Practice on the use of information contained in criminal records certificates. This will be drawn up in consultation with all relevant bodies as plans for a Criminal Records Agency (CRA) are developed
- an inter-departmental working group to identify and secure changes necessary to be able to prevent unsuitable people being able to work with children

## Police and other checks

### *Existing Arrangements*

8.5 As a supplement to the taking up of references within the recruitment process, employers seeking to engage persons to work with children are able to check the names of those they wish to employ against a number of centrally held records. Not all employers have access to all records:

- criminal record checks - these checks are, in the main, only available to statutory bodies and a number of major voluntary childcare organisations via their membership of the Voluntary Organisations Consultancy Service (VOCS). The great majority of non-statutory childcare organisations - voluntary and private - are unable to check the criminal background of people they propose to engage. Provisions to widen access to checks were included in Part V of the Police Act 1997. This has not yet been implemented
- DfEE List 99 and DH Consultancy Index (see Annex C for information on these lists) - checks against these are not presently readily accessible to all those organisations employing staff working with children. The need for all employers to make several applications to check the various sources of information is a disincentive for them to seek all the checks available.

### *Planned Changes*

## *8.6 Improving access to*

8.6 The aim of the inter-departmental working group is to establish a single access point or "one stop shop" for information. It will draw on measures and information sources already in existence across the public, private and voluntary sectors. The working group will produce recommendations by the end of the year. Detailed work will then be taken forward as a matter of priority. The scheme will need primary legislation.

### 8.7 Setting up a Criminal Records Agency

8.7 In the meantime, the Government will take the following action before a comprehensive scheme is introduced:

- implement Part V of the Police Act 1997 and start to set up a CRA. The Government will make an announcement shortly about arrangements for the operation and management of the Agency

Once established, the Agency will make checks available to any employer regardless of whether they are in the statutory, voluntary or private sector. The decision as to whether a criminal record check is necessary will be a matter for the employer or employing body concerned and a check will only be carried out with the consent of the person on whom the check is sought.

The certification provided for by the Police Act 1997 will be phased in by the Agency. Priority will be given to carrying out police checks on those applying for positions which involve caring for, training supervising or being in sole charge of persons aged under the age of eighteen.

- improve the working of the DH Consultancy Index:
- ensure that maintained boarding schools and employing LEAs, as appropriate, have the same access as independent boarding schools to the Consultancy Index
- introduce legislation when Parliamentary time allows to place the Consultancy Index on a statutory basis so that inclusion on it is a bar to employment in the relevant fields (thus bringing it more in line with the operation of List 99), make arrangements for representations against the unfair or unjustified inclusion of individuals on it, and provisions for the future expansion to the scope of the Index
- permit NHS employers to check those staff who are likely to work closely with children against the Consultancy Index, and to contribute names for inclusion on the Index
- permit employers to check those who work closely with people with learning disabilities against the Consultancy Index, and to contribute names for inclusion on it.

8.8 The Prison Service currently carries out criminal record checks for all staff. It is planning to carry out additional checks for all prison officers working with young people under 18. The new Youth Justice Board for England and Wales came into operation on 30 September 1998. Its role will include advising on standards for secure facilities for sentenced and remanded juveniles, including Prison Service accommodation. More details will be announced in 1999.

8.9 In the NHS, the processes for selecting and appointing staff who have substantial unsupervised access to children have been strengthened and reviewed over recent years. The NHS Executive issued fresh guidelines on pre-employment checks earlier this year.

8.10 An "alert letter" system was established in 1997. This is sent to warn NHS employers about doctors and dentists whose performance has caused serious concern - including those dismissed or under suspension by their employer - and where there are sufficient, reasonable grounds to consider them a potential danger to the safety of patients, or staff, or themselves, and where there is reason to believe they may seek work elsewhere. A similar alert letter system for nurses, midwives, health visitors and Professions Allied to Medicine (PAMs) is being developed. More information on this will be available in 1999.

8.11 The Government will build further on these arrangements by requiring NHS employers to review, by April 1999, their recruitment processes for those who work with children admitted to hospitals. This will include incorporating the principles of *Choosing with Care*, as well as the use of police checks to ensure that prospective employers have a complete picture of

potential recruits.

## Choosing with Care Principles

***8.12 "Choosing with Care" principles to be adopted in all settings.***

8.12 As made clear above, action is being taken to ensure that there are appropriate vetting procedures available in all settings. *Choosing with Care* sets out principles for successful recruitment and selection practices generally. Although there has been progress in implementing these in the social services, the recent SSI report *Someone Else's Children* showed there remains much to be done. The Government is determined to enforce full compliance with the recommendations of *Choosing with Care* in the social services and will announce action shortly. These principles will also, as recommended by the Children's Safeguards Review, be adopted in other settings where children live away from home.

## Code of practice on the recruitment and selection of foster carers

8.13 Work to develop a Code of Practice on the Recruitment, Assessment, Approval, Training, Management and Support of Foster Carers has been commissioned. After consultation, the final Code of Practice will be published in April 1999.

## Training

8.14 When Parliamentary time is available the Government will legislate to establish General Social Care Councils (GSCCs)<sup>3</sup> which will take over the regulation of professional social work training. In the meantime, work is being taken forward to refashion the regulation of training by the existing statutory regulator, the Central Council for Education and Training in Social Work (CCETSW). The GSCCs' powers to regulate providers of social work training (ie Higher Education Institutions) will be stronger than those of CCETSW. They will be able to:

- specify criteria for admission to courses
- exercise control over the content of qualifying and post-qualifying courses
- ensure that required outcomes are achieved
- specify key elements of programme structure such as direct involvement of PSS agencies and employers in programme management and the selection of students.

***8.15 Funding improvements in the quality and quantity of***

8.15 The Government has put or is in the process of putting in train a range of initiatives following on from the success of the Residential Child Care Initiative which encouraged and financed officers in charge of children's homes and their deputies to undertake a Diploma in Social Work:

- the University of Leicester has been commissioned to develop a knowledge base and curriculum guidance for a post qualifying social work award in child care. This work will be completed in January 1999. Six to eight universities will become centres of excellence which will deliver this training. The first candidates will begin training in January 2000. The CSR settlement provides £1 million in 1999/2000 rising to £6 million in 2001/ 2002
- the Government has established within the English Training Support Programme (TSP) for 1998/99 a new £2million sub-programme to stimulate the take-up of vocational training (at NVQ Level 3) for residential child care staff in England as part of the DH's initial response to the Children's Safeguards Review. This initiative will continue for a further two years and the CSR settlement would allow additional spending of £2.5 million in 1999/2000 rising to £3 million in 2001/2002.
- the Department of Health has made £500,000 available from its TSP for 1998/99 to assist local authorities to provide training for foster carers. The Department and key interests are also developing a larger TSP sub-programme for training for foster carers for 1999 onwards. It is expected that £2million a year will be available for this initiative for a three year period.
- the Government has set national training targets in Wales for each grade of staff in residential child care, and has asked authorities to give the highest priority in allocating TSP resources to meeting these targets
- an initiative to establish a top management development programme for senior managers is under discussion with employers and ADSS. This should lift the quality of management across the PSS generally, and bring tangible benefits to the management of children's services in particular. £350,000 is available for this work in 1998/99. Additional resources will be made available for a further two years to help facilitate the action required by the "Quality Protects" programme
- a programme of work has been commissioned to examine the way the Diploma in Social Work courses are regulated, supported and in some respects funded. This work is also considering the number of Diploma in Social Work (DipSW) programmes in England and whether the present configuration is efficient and effective. A further programme has been commissioned to review the content of the DipSW
- CCETSW's approach to supporting and regulating post qualifying programmes of training in social work is also being examined. The outcome should be a less bureaucratic, more student - and employer - friendly structure with courses delivering better value for money and more tailored to the contemporary practice requirement and a higher take up of opportunities in the future
- the recent establishment of a National Training Organisation (NTO) for the Personal Social Services should help engage employers more closely in owning and addressing the current deficiencies in the quantity and quality of training. DH and the NTO will host a conference to begin the development of a training strategy for that purpose
- the TSP in England is funding 2 projects in 1998/99 which were identified as key areas for further development in the Children's Safeguards Review:
  - profiles and methods of child abusers
  - promoting identity and self-esteem in looked after children.

The training materials will be available by the end of 1999.

8.16 The Review drew attention to the need for training materials to be developed as the basis for training all residential care workers, foster carers and staff in special schools on health, education, identity, family and social relationships, social presentation and self-care skills. The TSP includes each year a sub-programme for development of training materials (up to a maximum of £1m) which is managed centrally. Following consideration of what is possible, appropriate and affordable



within available resources, this provision will be used to commission and develop materials in line with the Review's conclusions. Any materials produced will also underpin the NVQ Level 3 initiative for residential care staff.

## Management

8.17 Strong management is needed in all organisations responsible for children living away from home. Evidence shows that where there is weak management abuse has been allowed to occur and persist. Good leadership, openness and staff ownership of plans and procedures help provide safe care. A fundamental part of the "Quality Protects" programme will be improving the management of children's services

***8.18 Staff who raise  
concerns about  
unacceptable standards of  
care and practice need to  
be supported***

8.18 All staff must be clear that they have a duty to raise concerns about behaviour by staff, managers, volunteers or others which may be harmful to children in their care, without prejudice to their own position. The Government will remind the governing bodies of all organisations responsible for the care of children and young people that they should have procedures in place that enable staff to raise significant concerns outside their normal line management when they consider the manager has been unresponsive or is the subject of concern. Governing bodies should inform staff of the established procedures for making complaints. **Implementation, monitoring and enforcement**

8.19 The Government will:

- ensure full use of powers to disclose information for child protection purposes
- implement Part V of the Police Act and establish a CRA
- establish the CRA as a "one-stop shop", with links to the Consultancy Index and List 99 in due course
- in the interim, place the Consultancy Index on a statutory basis, ensure inclusion on the index would be a bar to employment in the relevant field, and ensure all staff in boarding schools are checked against the index
- As soon as possible require NHS employers to check child care staff against the Consultancy Index and permit employers of those working with people with learning disabilities, to check individuals against the Index
- enforce full compliance with the *Choosing with Care* principles in SSDs and adopt these principles in other settings where children and young people live away from home
- require NHS employers to review recruitment processes for those who work with children admitted to hospital, by April 1999
- develop and publish a code of practice for foster carers by April 1999
- put in train and fund a range of training initiatives in 1998/99 and beyond
- promote management strategies which help deliver safe care in the social services field as part of the "Quality Protects" programme over the next 3 years.

8.20 SSI will monitor to ensure procedures are tightened up and checks undertaken by SSDs. Their inspections to follow up developments made by the "Quality Protects" programme and the annual reviews of "Quality Protects" action plans to be carried out by Social Care Regional Offices will also check management and recruitment practices. Section 87 inspections

and OFSTED inspections will ensure appropriate staff checks have been completed for staff in schools with boarding provision. NHS Executive Regional Offices will monitor the compliance of NHS employers. The Youth Justice Board will also monitor the extent to which standards are met in the Prison Service and will help ensure effective checks are made for all staff working with young people in secure establishments, in line with *Choosing with Care*.

8.21 The Department of Health, with the help of SSI and CCETSW will implement and monitor training improvements.

## Outcomes

8.22 The policies outlined above will help to ensure:

- fewer dangerous people are able to obtain work with children due to improved checks and information sharing
- higher levels of skills exist in the child care workforce and among foster carers so that the quality of services improve
- improved openness exists and individuals are more aware of their responsibilities to report concerns in order to reduce long term abuse
- improved management structures.

<sup>2</sup>1992 report by Norman Warner on how to improve the suitability of people recruited to work with children in residential care

<sup>3</sup>there will be one GSCC for England and another for Wales

## PENAL ISSUES

### The Children's Safeguards Review

9.1 The Children's Safeguards Review's observations and conclusions reflect those of HM Chief Inspector of Prisons, Sir David Ramsbotham, whose *Thematic Review of Young Prisoners* was published on the same day. The Prison Service's response to the *Thematic Review* forms part of the far-reaching reforms of the youth justice system which the Government signalled in the White Paper *No More Excuses*, a new approach to tackling youth crime, and which the Crime and Disorder Act 1998 will substantially implement.

9.2 The Children's Safeguards Review concluded that "prison is no place for children" and highlighted eight specific issues on each of which action has already or is being taken. These were:

- the number of juveniles (15-17 year olds) in prison custody is high and rising and the Prison Service's policy on keeping juveniles in discrete accommodation is not being followed
- the incidence of sexual assaults is not clear and needs to be researched
- the strategies on tackling bullying and self-harm, which were regarded as being good, were inconsistently implemented and improved education and leisure were recommended
- the remanding of 15 and 16 year old boys to prison should stop
- the Department of Health and Welsh Office should consult the Local Government Association (and the WLGA) and the Prison Service about the support Social Services Departments provide to children in penal settings
- the principles of the Children Act 1989, in promoting and safeguarding the welfare of children, should be incorporated into penal system regulations and allegations of abuse or harm should be investigated as in other settings
- a National Director should be appointed for the young offender estate
- child protection measures should be established for the two mother and baby units in the two women's prisons which do not already have them.

### The Government Response

9.3 The Crime and Disorder Act 1998 makes radical changes to the way in which the youth justice system operates. In many respects the White Paper *No More Excuses* anticipated the Safeguards Review. Central to the changes are measures which will:

- place community-based inter-agency work to tackle youth offending on a statutory basis through the youth offending teams established by the Crime and Disorder Act 1998
- the establishment of the Youth Justice Board for England and Wales with responsibilities to advise on and monitor standards for the care of sentenced and remanded children in all forms of juvenile secure accommodation, including Prison Service accommodation
- give the courts a range of new community based penalties to help prevent young people who offend from becoming serious, persistent offenders for whom custody may be the only option

- speed up the process of dealing with young offenders at court which should reduce the time spent by children on remand.

9.4 The Government is working to establish better arrangements for looking after juveniles in custody by:

- the creation of a distinct estate within the Prison Service for 15 to 17 year olds remanded or sentenced to custody, and by improving the care and regimes delivered within it
- the development of new regime standards for juveniles, which will pave the way for the new Detention and Training order which is expected to be implemented by mid 1999
- piloting improved juvenile regimes at Werrington and Huntercombe Young Offender Institutions, in the current year
- taking forward proposals to help achieve the separation of those sentenced and remanded as juveniles.

## Keeping juveniles in discrete accommodation

9.5 The Prison Services policy is, so far as is practicable, to keep those aged under 18 separate from other young adults (18-20 year olds) and adults. Mixing in regime activities, with appropriate supervision, is permitted. The prison population is at an all-time high and the use of all accommodation has to be optimised. While some male juveniles on remand are held in adult prisons they are kept in separate accommodation from adults as far as possible. Un-convicted 15 and 16 year old girls are not held in prison but 17 year old girls held on remand (of whom there were only 16 on 31st March 1998) are.

### *9.6 Creating a juvenile estate*

9.6 Plans are urgently being drawn up to hold all juveniles separately in dedicated accommodation with significantly enhanced regimes. In addition, plans are being developed for three units to hold juveniles sentenced under Section 53 of the Children and Young Persons Act 1933.

9.7 The Children's Safeguards Review questions whether the UN Convention on the Rights of the Child is complied with. Article 37(c) requires that children are kept separate from adults unless it is in their best interest not to do so. The UK entered a Reservation to this Article allowing mixing where there is a lack of suitable accommodation or where it is deemed to be mutually beneficial. However, the urgent work that is in hand to provide a discrete juvenile estate will, when delivered, allow the Service to accord more closely with the Convention.

## The incidence of sexual assaults

9.8 There were four recorded incidents of sexual assault in which juveniles were victims in the 12 months to 31 March 1998. The police investigated each incident and no prosecutions resulted. There were no recorded incidents of sexual assault on a juvenile in the previous 12 months. The Prison Service is looking at how research can best be carried out.

## Strategies on tackling bullying and self-harm and improved education and leisure

9.9 A number of initiatives designed to prevent bullying and to deal with bullies operate. A project aimed specifically to reduce violence in young offender institutions is already working to co-ordinate the various measures designed to promote good behaviour and to tackle the bad. Nationally the number of assaults on juveniles relative to the size of the juvenile population and in real terms fell in 1996/7.

9.10 On self-harm, the Children's Safeguards Review commented that both the strategy and the commitment are

impressive. Efforts are being made to sustain the work underpinning the strategy, and particularly the work on identifying and dealing with those with a potential for self-harm. Statistics on those aged under 21 suggest that things are improving: the number of incidents of self-harm has reduced by 36% while the population of those aged under 21 has increased by 12% over the period 1995/6 to 1996/7.

9.11 The key to tackling bullying and self-harm is the provision of full, active and purposeful regimes and high quality relationships between the young people and staff. Central to the latter is the culture of an establishment. Much effort is now being made to change the culture in those establishments which look after the juveniles by better staff training. The Prison Service provides training which was designed by the Trust for the Study of Adolescence for which formal accreditation is now being sought. The Prison Service also recognises the important role of education in regimes for juveniles and a key element of the new regime standards for juveniles will be education.

## Health care in prisons

9.12 The Prison Services Directorate of Health Care and the Department of Health have conducted a joint review of the organisation and delivery of health care for prisons in England and Wales. Ministers have considered their proposals and a report on the way forward is expected by the end of the year.

## Remanding of 15 and 16 year old boys to prison

9.13 The Government wishes to end the remand of 15 and 16 year olds to prison but there is insufficient secure accommodation to cope with all the 15 and 16 year olds on remand. It has not therefore been possible to implement the relevant provision in the Criminal Justice Act 1991. In order to make progress, the Government has now decided to implement court ordered remands to local authority secure accommodation in respect of 12-14 year olds and in respect of 15 and 16 year old girls as soon as is practicable. In addition, the courts are being given the power to remand the most vulnerable 15 and 16 year old boys direct to secure accommodation subject to certain criteria and if a place has been identified in advance. Provision to effect these changes is included in the Crime and Disorder Act. The greater flexibility for holding remanded 15 and 16 year old boys, combined with a discrete secure estate in prison service accommodation will help solve the main area of concern which is holding remanded juveniles in adult prisons.

9.14 The Prison Service is actively co-operating with the Children's Society's "Remand Rescue" initiative which now operates in three young offender institutions. In the longer term, the new requirement on local authorities to provide access to bail support schemes and improvements in the delivery of youth justice services locally through the setting up of youth offending teams should help to reduce the demand for custodial remands. The Government has also undertaken a review of the whole secure estate for remanded and sentenced juveniles with a view to achieving greater consistency in quality of provision and better central co-ordination and planning.

## Social Services Departments' support to children in penal settings

9.15 The Prison Services Assistant Director (Young Offenders) is in consultation with colleagues from the Department of Health and representatives of the ADSS, the LGA and the ACOP about how the care of juveniles in prison establishments may best be co-ordinated.

9.16 One of the difficulties Social Services Departments encounter is that prison establishments do not hold only those domiciled in the locality. The problems of keeping juveniles in establishments at distance from court and at distance from home exacerbate the difficulties providers and families have in establishing and maintaining meaningful contact. The importance of good contacts between supervising authorities and prison establishments will be included in the new juvenile regime standards. The discussions referred to above and the new regime standards will build upon such initiatives as that in the Thames Valley in which a protocol on sharing information and training has been established between two young offender institutions, and local Departments of Social Services and Probation Services.

# Incorporating the principles of the Children Act 1989 into penal settings and investigating allegations of abuse or harm

## *9.17 New regime standards for under 18s in prison custody*

9.17 The new regime for juveniles will reflect the principles and guidance underlying the Children Act and its regulations. To safeguard and promote the individuals welfare, to protect the public and to discharge the warrant of the court, the new regime standards will include:

- arrangements which establish and sustain a safe and secure environment which begin with a qualitatively different approach to the first night and initial days in custody
- rigorous induction to identify individual needs and aptitudes
- planning to matching of needs to purposeful regime provision based upon the 'what works' research
- review of plans
- pastoral arrangements which centre on the importance of providing a 'significant adult'
- focused and well-integrated preparations for release, including the appropriate involvement of the family
- all of which will be underpinned by an ethos which reflects the principles of structured, purposeful care achieved through better staff selection, training and management.

9.18 The Children's Safeguards Review also urges that allegations or incidents of harm involving a juvenile should be subject to the same investigation procedures as they would if they had occurred in a children's home or secure accommodation. Hull Prison has established and successfully run for 18 months arrangements whereby the Area Child Protection Committee investigates such incidents. The Prison Service is in discussion with the ACPO, ADSS, and the LGA about how such arrangements can be introduced in each establishment holding juveniles. The role of each prison establishment's independent Board of Visitors will underpin whatever arrangements are deemed most appropriate.

## National Director

### *9.19 Creation of a Directorate of Regimes and an Assistant Director for Young Offenders*

9.19 The Government has not been persuaded by the recommendation that a national director be appointed for the young offender estate. The appointment of the first Director of Regimes in the Prison Service, who is assisted by an Assistant Director with specific responsibilities for Prison Service policies on young offenders, will lead to a greater emphasis on specific provision within the Prison Service to meet the special needs of young offenders.

## Child protection measures for mother and baby units

9.20 All the mother and baby units in womens prisons now have written child protection procedures in place.

### **Implementation, monitoring and enforcement**

9.21 The following are the key milestones in the action plans which address the issues raised in the report:

- all areas should have in place a youth offending team(s) by April 2000. Pilots of the teams will begin in autumn 1998
- the Youth Justice Board will be operational from October 1998 and will have statutory responsibility to advise on the setting of standards for all forms of juvenile secure accommodation, including Prison Service accommodation, and monitor performance against those standards
- the courts' new community based penalties will be piloted from October 1998 and, subject to the outcome of pilots, implemented nationally in 2000/2001
- some new legislative measures to speed up the process of dealing with young offenders at court will be introduced in autumn 1998; others will be piloted with a view to implementation in summer 1999. A number of non-legislative measures, including fast track schemes are already in place
- the new more effective custodial sentence for juveniles, the Detention and Training Order (DTO), will be introduced in summer 1999.

9.22 The Prison Service is expecting to be able to deliver:

- three units with enhanced regimes for juveniles serving Section 53 sentences by April 2000
- enhanced regimes for juveniles in two YOIs in 1998/99
- new juvenile standards will have been determined by March 1999.

9.23 Other planned actions include:

- publication of a report on the way forward on prison health care by the end of 1998
- develop arrangements in consultation with ADSS, LGA and ACOP on the co-ordination of care for juveniles in prison establishments
- develop arrangements for investigating allegations of harm involving juveniles in prison establishments.

9.24 The Home Office will be monitoring delivery against the above milestones.

## Outcomes

9.25 The Government expects these policies to help deliver:

- more children and young people held in dedicated juvenile accommodation
- fewer young people damaged by bullying and violence in prison establishments
- improved protection and health care for children in prison establishments
- proper investigations of all allegations or incidents of harm involving juveniles.





## CRIMINAL JUSTICE ISSUES

### The Children's Safeguards Review

10.1 The Children's Safeguards Review concluded that the criminal justice system is not working in a way which protects children against abuse, with few convictions in relation to the cases investigated, and young children and disabled children being disadvantaged to the point of being deprived of justice. Also child witnesses may be further harmed by the court process. The Review recommends that the Government implement the remaining recommendations of the Pigot Report; and undertakes a comprehensive review of the arrangements for prosecuting offences against children to make them more effective.

### The Government Response

***10.2 Action to improve  
the treatment of child  
victims when they seek  
access to justice***

10.2 The Government shares the concern highlighted by the Children's Safeguards Review that, although legislation has been introduced to improve the conditions in which children can give evidence, this does not appear to have led to an increase in the number and success of prosecutions involving child abuse. The Government attaches great importance to improving the position. This chapter outlines the work which is in progress. The Government has asked the inter-departmental Steering Group on Child Evidence to take forward the improvements needed to ensure that the child evidence provisions operate effectively. Details of some of the issues which the Steering Group is considering are at Annex D.

### Information about child abuse prosecutions

10.3 The Government is determined to obtain better information on the reasons for the high drop-out rate in order to inform future action. There are a number of research projects currently in progress which aim to identify the reasons for drop-out and ways to improve the investigation and prosecution of offences against children. Full details are set out at Annex E. In addition, the CPS inspectorate published a report in January 1998 on cases involving child witnesses which made a number of recommendations to improve the way child abuse cases are handled. HM Inspectorate of Constabulary (HMIC) is also conducting a thematic inspection of police forces on child abuse prosecution.

### Access to justice for children

10.4 The Government is determined to ensure that children and other vulnerable witnesses can give their best evidence with the minimum of distress, and that court practices should be adapted wherever necessary and appropriate to improve their effectiveness and afford greater protection to children, whilst maintaining the right of the defendant to a fair trial. On 10 June 1998, the Home Office published *Speaking Up for Justice*, the report of the interdepartmental working group on vulnerable or intimidated witnesses, including children, which the Home Secretary established to take forward the Governments manifesto commitment to provide greater protection for witnesses at all the stages of the criminal justice system.

10.5 *Speaking Up For Justice* highlighted the need for training for all those involved in the criminal justice system to assist them in responding to the needs of vulnerable witnesses, including children. The recommendations which relate specifically

to child witnesses include:

- the existing child evidence measures (videoed statements and live CCTV links) should be available for all witnesses under 17 years
- all child witnesses under 17 years, regardless of the nature of the offence should automatically attract the new special measures proposed in the report including the unimplemented Pigot proposals on videoed pre-trial cross-examination and assistance with communication where necessary including the use of an intermediary
- there should be a presumption that child witnesses giving live evidence to the court should do so by CCTV links
- all measures should be available in the magistrates courts, youth courts and the Crown Court
- the scope of the ban on defendant cross-examining child witnesses in person should be increased by extending the categories of offences to include false imprisonment, kidnapping and child abduction.

10.6 The working group also looked at a number of wider issues raised in the Children's Safeguards Review and has proposed that:

- the concerns about severing indictments need to be examined as a whole, as the rule on severing indictments applies to all criminal offences and that a wider review should be undertaken
- on adversarial cross-examination, the Lord Chief Justice should be invited to consider issuing a Practice Direction giving guidance to barristers and judges on the need to disallow unnecessarily aggressive and/or inappropriate cross-examination. The Lord Chief Justice issued guidance on the conduct of trials when considering an application for leave to appeal in *R v Brown* on 6 May 1998.

10.7 The Government has indicated its broad support for the recommendations in *Speaking Up For Justice* and is consulting on the details before reaching any final conclusions. The consultation exercise ended on 31 August 1998. The Government will make an announcement shortly setting out how it intends to take this forward.

## Wider review of procedures

10.8 The Children's Safeguards Review also makes a number of recommendations which were intended to make it easier to bring prosecutions in child abuse cases and suggests that this should be taken forward by a wider review, which should consider:

- modifying the criminal standard of proof (beyond reasonable doubt) either to the civil test (on a balance of probabilities), or to a test somewhere in between
- requiring the CPS to initiate proceedings in the County Court, for the purpose of obtaining a certificate from the court that the case is fit for trial in the Crown Court
- that information on the defendants previous offending and other cases pending should be available to the court.

10.9 As the Safeguards Review recognised, these proposals raise significant implications for the interests of justice and the fair treatment of defendants. There are also implications here for all offences, not just child abuse cases:

- the Government believes that it would not be right to change the standard of proof in a criminal trial in one type of case where the witness happened to be a child and it is also likely to be in breach of the United Kingdoms obligations under Article 6 of the European Convention on Human Rights. It therefore rejects this recommendation
- the Government also sees considerable legal and practical difficulties with the proposal to involve the County Court. At present, no oral evidence is taken at committal hearings, and cases involving children can be transferred direct to the Crown Court. This proposal would re-introduce a form of committal hearing at which the child would have to give evidence and be cross-examined and then go through the whole process again at the trial. The use of civil procedures in the early stages may also have an adverse impact upon the trial and may result in fewer

committals and convictions. A certificate from the County Court may help a child feel that he or she has been believed, but any benefit would be short-lived if the subsequent criminal proceedings resulted in acquittal. The Government is not persuaded that these proposals provide significant advantages over the existing arrangements and could result in more distress to the child, greater delay in proceedings, prolonged litigation and fewer cases going to criminal trial. It therefore rejects this recommendation

- as for previous offending, the law governing the admissibility of evidence of previous misconduct is complex and is currently under review by the Law Commission which published a consultation paper in 1996. The Government will consider this issue when it has received the Commissions report.

## Child pornography

### *10.10 High priority will continue to be given to the detection of child pornography*

10.10 The Government shares the concern about the availability of child pornography, particularly on the Internet. As the Children's Safeguards Review acknowledges, there is a range of legislation which can be brought to bear to tackle this problem, and the Government is determined to ensure that this remains adequate to protect the most vulnerable in our society:

- against this legislative background, the Government continues to support the work of the Internet Watch Foundation (IWF), an independent self regulatory body which was established in September 1996 in response to growing concern about the availability of child pornography on the Internet. Progress has been made in tracking and removing potentially illegal pornographic material via reports made by Internet users to the IWF "hotline". Details are then passed to the National Criminal Intelligence Service and the police. The Government has announced a review of the work of the IWF which will be completed in the Autumn
- the Government is also sympathetic to the concern which underlies the recommendations in the Children's Safeguards Review relating to the law on importing and exporting pornography. HM Customs and Excise are currently looking at ways to strengthen the controls in this area and the Government wishes to consider their proposals before reaching a conclusion on this matter.
- the Immigration Service National Intelligence Section (ISNIS) takes an overview on vice-related matters such as paedophile activity, and the Enforcement Section has a team which has the operational lead on vice-related activity in the Metropolitan area. The police have access to the Suspect Index and can add names of known offenders to the database. This is accessed by Immigration Officers at ports of entry and is now being used at visa issuing posts overseas.

## Prostitution

### *10.11 Review of the law*

*10.11 Inter-agency  
guidance on child  
prostitution for police and  
social services*

10.11 The Government recognises that a child who is involved in prostitution is primarily the victim of coercion or abuse and is not necessarily a consenting participant. The Government has announced its intention to review the law relating to sexual offences: this review will include consideration of the offences and penalties that should apply to those who use or live off the earnings of child prostitutes. It is not convinced, however, that decriminalising loitering or soliciting for those under 18 is the best way to protect children who are at risk; perversely it could actually increase the numbers of child prostitutes on the streets. The Government's aim is to prevent and deter children from entering or staying in prostitution, and the Government believes that the best way forward is a multi-agency approach with children's welfare as the prime concern:

- ACPO have produced new national guidelines which emphasise the need to treat child prostitutes as victims and to use inter-agency co-operation to divert them away from prostitution. The guidelines were prepared by an ACPO working party that included relevant Government departments, children's charities and the ADSS. After successful pilot schemes in Wolverhampton and Nottingham, ACPO adopted the guidelines for national use
- the Department of Health's consultation paper on revising the *Working Together* suggests that Area Child Protection Committees should be encouraged to develop protocols for handling the problem in their area. It emphasises the importance of close co-operation between the police and social services, and seeks views on how best to address the problem of children in prostitution. Revised guidance, taking account of the responses received to the consultation, will be issued in Spring 1999
- the Home Office and Department of Health have undertaken to produce new joint guidance for the police and social services on how to deal with children in prostitution on a welfare basis. This will be the first such formal guidance issued on the subject. It will draw upon the ACPO guidelines and the outcome of the Department of Health consultation exercise: it will also take full account of the juvenile justice changes in the Crime and Disorder Act
- The Government have announced their intention to develop a National Plan for combating the commercial sexual exploitation of children as required by the Agenda for Action agreed at the Stockholm World Congress in 1996. This will provide the strategic dimension for the range of programmes being developed across departments and agencies.

## Treatment of sex offenders

10.12 The Home Office is supporting a major programme of work to improve the ability of the prison and probation services to treat sex offenders and reduce the risks to children which they present:

- probation services have been asked to implement a number of recommendations by HM Inspectorate of Probation in a recent thematic inspection of the services work with sex offenders, although the report found that overall the service is doing a good job in protecting the public from them
- work is also in hand to develop a model treatment programme, building on best current practice, which will be amongst the first to be subject to a new system of independent accreditation for probation service supervision activities. The Home Office is also taking forward, with the Department of Health and the Local Government Association, the recommendation by HM Inspectorate of Probation that specific assessment and treatment provision for adolescent sex offenders should be developed
- the Home Office continues to fund, as a national resource for probation services, the Faithfull Foundation's residential treatment programme for sex offenders against children.

10.13 The supervision of sex offenders in the community following release from prison will, over time, be helped by

provision in the Crime and Disorder Act 1998 for the courts to order extended supervision of up to 10 years, enforceable by recall to prison. In the shorter term the Home Office has established a group, on which the police and probation services and local government are represented, to oversee the resettlement arrangements for sex offenders who have to be released at the end of their sentences under the previous law.

10.14 While not directly related to the recommendations of the Children's Safeguards Review, it should be noted that the Government has put considerable effort into combating the threat of re-offending by serious and dangerous sex offenders against children. In particular, through the implementation of the Sex Offenders Act 1997, such individuals have to register their name and address, and any subsequent change of name and address, with the police. Guidance has stressed that this must not simply gather dust on a file or sit on a computer but must be used for the protection of children. There has been a very high degree of co-operation on behalf of the Police Service and the Probation Service, as well as the Prison Service, in identifying offenders who pose a risk and taking appropriate steps to prevent such a risk turning into a reality.

10.15 The ability to manage risk will also be enhanced by the implementation of the Sex Offenders Act which does not increase the level of penalty for such offenders but does allow intervention by the Courts to help prevent future danger by imposing penalties for failure to provide relevant details to the police.

### Implementation, monitoring and enforcement

10.16 The Government is determined to ensure that the criminal justice system is effective in protecting children from those who might seek to harm them. It intends to address the concerns which were raised in the Children's Safeguards Review through the following programme of work:

- the Steering Group on Child Evidence to monitor the existing child evidence provisions (as set out at Annex D) and to take forward improvements in the light of relevant research projects (included in the list at Annex E)
- the Government has established a Steering Group to implement those recommendations in *Speaking Up For Justice* which it decides to accept
- review of the work of the Internet Watch Foundation for completion in November 1998, with publication of the final report in December 1998
- HM Customs review of import and export controls on pornography which is due to report with initial findings in March 1999
- Home Office and Department of Health to draft new joint guidance on dealing with child prostitution shortly
- review of law relating to sexual offences which would include the offences and penalties for those who use and abuse children in prostitution.

### Outcomes

10.17 The Government expects this action to help provide:

- less traumatic experiences for child witnesses
- increased public confidence in criminal proceedings involving children
- reduced numbers of children being exploited in prostitution
- improved treatment for sex offenders.



## MINISTERIAL TASK FORCE ON CHILDREN'S SAFEGUARDS : MEMBERSHIP

Chair - Frank Dobson, Secretary of State for Health

### Department

Health

Welsh Office

DETR

Cabinet Office

Home Office

DfEE

LCD

Treasury

Scottish Office

Solicitor General

### Ministers

Paul Boateng

Win Griffiths until July 1998  
and then Jon Owen Jones

Hilary Armstrong

Peter Kilfoyle

Alun Michael

Estelle Morris

Geoff Hoon

Alistair Darling until July 1998  
and then Stephen Byers

Sam Galbraith

Lord Falconer of Thoroton until July  
1998 and then Ross Cranston

### Advisers

No. 10 Policy Unit

Northern Ireland Office

Local Government Association

Voluntary sector

Young person formerly in care

Association of Directors of Social Services ACPO

Youth Justice Task Force

Social Exclusion Unit

Education

Department of Health

Robert Hill

Dr Kevin McCoy

Denise Platt (from July 1998 as Chief  
Inspector of SSI for Department of  
Health

Deryk Mead - NCH Action for  
Children

Marie Piper

Roy Taylor Butler - Chief Constable  
of Gloucestershire Constabulary

Norman Warner

Zena Peatfield

Maureen Eade - HMI

Sir Herbert Laming until July 1998  
Tom Luce

## NON-MEMBERS INVOLVED

Officials from:

- Department of Social Security
- Department of Health
- Welsh Office
- Home Office
- Department of Environment, Transport and the Regions
- Office of Public Service
- Lord Chancellor's Department
- Treasury
- Scottish Office

Secretariat:

- Jane Allberry - Department of Health
- Cathy Filmer - Department of Health



## RECOMMENDATIONS OF THE CHILDREN'S SAFEGUARDS REVIEW AND THE GOVERNMENT'S RESPONSE

This is a list of recommendations made by the Children's Safeguards Review. It includes the principle recommendations made by the review but, in addition, it extracts and numbers all the other recommendations made throughout the review report in order of appearance in the text. Recommendations may also be found in the summary of each of the chapters.

The list is mainly in numerical order and the order in which the recommendations appear in the text of the original report. However, where recommendations are linked, they have been listed together so the document is not always in numerical order. Numbers in brackets after the recommendations refer to the paragraph numbers in the text of the original report to which the recommendation refers.

The list has been annotated in italics to indicate whether the recommendations have been accepted or not by the Government and, if they have, how they will be implemented and monitored, whether legislation will be needed and where possible, the timescale for taking work forward. It also refers to the chapter in this response where reference is made to the action being taken.

### **PR1. The Department of Health/Welsh Office should establish and resource a dedicated group to develop and implement a comprehensive strategy for residential child care. (Chapter 2)**

& 58. The Review recommends that the Department of Health commissions a project to assemble and analyse information about the adequacy and co-ordination of local services for troubled young people with a view to producing a national strategy. (8.48-53)

*The 3 year "Quality Protects" programme will be led by a focused team established in the Department of Health. The Department of Health will also work with the LGA and ADSS to design strategic arrangements for residential and foster care services and review arrangements for specialist services.*

*The Government will give strong encouragement to authorities to form regional groupings to review the provision available and commission better specialist facilities. This will facilitate the establishment of specialist placements in both residential and foster care.*

*The Welsh Office will work with the WLGA to design a Children's Strategy for Wales which will include services for children in need and arrangements for residential and foster care services. From May 1999, the National Assembly for Wales will have responsibility for taking forward the new strategy in line with its own priorities for children's services. (Response Chapter 2)*

### **PR2. Local authorities should secure sufficient provision of residential and foster care to allow a realistic choice of placement for each child. (Chapters 2,3)**

& 8. Arrangements between carers and authorities would be improved if foster carers are treated as full partners who are entitled to all relevant information and if more emphasis is given to authorities' obligations in relation to support and training in foster care agreements. (3.39)

& 82. Local authorities should ensure that training is available for all foster carers and should pay particular attention to the needs of experienced carers. (12.34)

*Agreed. Some of the new Children's Services Special Grant will be used to increase the range and choice of placement and to make improvements in assessment and care planning so that more children can be appropriately placed when they are first looked after*

*In addition, work to improve quality and choice of placements by designing strategic arrangements and reviewing specialist services will be taken forward with the LGA/ WLGA and ADSS.*

*The Government will also support the development of national and local recruitment campaigns for foster carers, and will improve training and support for carers. A Code of Practice on the Recruitment, Assessment, Approval, Training, Management and Support of foster carers has been commissioned and the final document will be issued in May 1999. National Standards for foster care have also been commissioned and will be issued in April 1999.*

*A £500,000 TSP sub-programme for training for foster carers has recently been announced for 1998/9 and it is expected that £2 million a year will be available for a 3 year period from 1999/2000 onwards. (Response chapter 2)*

**PR3. Local authorities must pay particular attention to the educational and health needs of the children they look after and ensure a better transition to independent living. (Chapter 2,3)**

*Agreed. Work will be taken forward to enhance inter-agency working and to improve the education and health outcomes of looked after children (see individual recommendations and response chapters 6 and 7). Significant improvements to the after care provided to care leavers will be funded by the new Children's Services Special Grant (see individual recommendations and response chapter 4).*

**PR4. Local authorities must observe the Regulations governing the placement and supervision of children in foster care. (Chapter 3)**

*Agreed. The "Quality Protects" programmes make clear that all regulations must be adhered to and that statutory powers of intervention will be used where they are not. As part of the programme local authorities will improve the quality of assessments, care planning, placements and supervision by 2002. The Local Government White Paper proposes new powers of intervention where regulations are not observed and the forthcoming Social Services White Paper will build on this. (Response chapter 2)*

**PR5. The Department of Health/Welsh Office should commission a Code of Practice for recruiting, selecting, training and supporting foster carers. (Chapter 3)**

*Agreed. The Code of Practice has been commissioned. A consultation document will be issued later in 1998 and the final document will be issued in May 1999. (Response (chapter 2)*

**PR6. The Department of Health/Welsh Office should secure legislation requiring local authorities to register private foster carers and making unregistered foster care a criminal offence. (Chapter 3)**

*& 20. It should be an offence for parents to place children with unregistered foster carers. (3.80)*

*Rejected. The Government consider that a new system of regulation is unnecessary. There is already a range of offences associated with private fostering and the Government does not believe it would be right to extend them further. However, it is committed to improving compliance with the existing regulations for private fostering. (Response (chapter 3).*

**PR7. The Department of Health/Welsh Office should extend Section 87 of the Children Act 1989 (which requires independent boarding schools to safeguard and promote the welfare of children, and opens their arrangements for doing so to inspection) to all schools with boarding provision. (Chapter 4)**

*Agreed. The Social Services White Paper will set out the Government's plan to seek legislation to extend Section 87 to all schools with boarding provision when Parliamentary time allows (response chapter 3).*

**PR8. Local authorities should unify their educational and social services arrangements for assessing and supporting children with emotional and behavioural difficulties and their families. (Chapter 4)**

*Rejected. As the bulk of central Government support to local government is paid through a block grant settlement and is not hypothecated to particular purposes, there is no obstacle in the local government finance system to joint working between Education and Social Services Departments of local authorities. The solution is available for local authorities to identify corporately the groups of children whose needs should be jointly addressed, agree objectives and the work to be done, who*

*should take this forward and how this should be resourced. This work, in addition to the development of outcome monitoring mechanisms and plans for improved working with the NHS should then be published in CSPs - Children's Services Plans*

*A number of initiatives which will promote joint working to the benefit of EBD children and their families are summarised in response chapter 7.*

**PR9. Government should define parental rights and responsibilities in legislation. (Chapter 6)**

*Rejected. There is no intention to define parental rights and responsibilities in legislation. The Home Secretary's Family Group will consider this issue as part of their work on family policy.*

**PR10. All organisations caring for children away from home should provide parents with all relevant information about their arrangements for safeguarding children before a placement is made. (Chapter 6)**

**&PR11. Government should sponsor a programme to inform parents and relevant staff of the risks to the welfare of children living away from home and of ways of reducing them. (Chapter 6)**

*Agreed. Detailed implementation plans will be developed in time for an information campaign to be taken forward at the beginning of 1999. The DfEE are working to encourage independent schools and ISIS to include information on welfare arrangements in their brochures.*

**PR12. All organisations in which children live away from home should apply the recommendations of "Choosing with Care" (The Warner Report) in selecting and recruiting staff and volunteers with substantial unsupervised access to children. (Chapter 13)**

*& 84. All institutions where children are living away from home should adopt recruitment and selection procedures based on the principles which underpin the 15 Choosing with Care recommendations. The Department for Education and Employment should take steps to support the introduction of these procedures in the maintained sector and discuss with the Independent Schools Joint Council and the Boarding School Association ways of doing so in respect of independent boarding schools in membership of any of its associations. The Prisons Agency should examine its recruitment policy in the light of this recommendation. The Department of Health/Welsh Office should take the appropriate steps to ensure that hospitals adopt these principles when recruiting and selecting staff to care for children in paediatric units and any other units where children are likely to spend time as in-patients.(13.23)*

*& 102. The Review stresses the importance of implementing the *Choosing with Care* recommendations on personnel policies. It regards this as of the highest priority for all new social services authorities in England and Wales. (16.4)*

*Agreed. The Government will enforce full compliance with the "Choosing with Care" recommendations in social services and will adopt these principles in other settings where children live away from home:*

*Social Services - as part of the "Quality Protects" programme, the "Choosing With Care" principles will be promoted and the Government will emphasise that all procedures must be properly carried out. Monitoring, auditing and quality assurance work within the programmes will also help to deliver this. The Government will also recommend the inclusion of care leavers on interview panels. A Code of Practice for the recruitment and selection of foster carers has also been commissioned.*

*NHS - guidelines were recently published by the NHS Executive on recruitment practices (HSC(98)64). This included guidance on best practice and local examples of good practice with strong recommendations for implementation. An alert letter system which warns NHS employers about doctors and dentists whose performance has caused serious concern was established in August 1997. Work is underway to develop the same for nurses, midwives, health visitors and PAMs. Further guidance will be issued in 1998 requiring NHS employers to review, by April 1999, their recruitment processes for those working with children who are admitted to hospital. The DH held Consultancy Index will be extended to include NHS staff.*

*Education - will extend checks against the DH Consultancy Index to potential employees in all boarding schools and will seek legislation to extend Section 87 inspections to all boarding schools. This will ensure that compliance with all checks is inspected.*

*Prison Service - the new Youth Justice Board for England and Wales came into operation on 30 September 1998. Its role will include advising on standards for secure facilities for sentenced and remanded juveniles, including Prison Service*

accommodation. It will also monitor the extent to which standards are met and will help ensure effective checks are made for all staff working with young people in secure establishments, in line with "Choosing With Care".(Response Chapter 8)

**PR13. Government should examine the need to strengthen the legal protection of agencies communicating information about the suitability of individuals to work with children. (Chapter 15)**

&96. The Review recommends an examination of legislation - the Data Protection Act, law on defamation, employment protection legislation and judicial review - to establish whether a protocol could be developed to legitimise exchange of information between parties with a proper interest in protecting children (15.7).

*A protocol cannot change the law, however, the Government is taking positive steps to reduce confusion over the legal position on the sharing of information. This includes issuing guidance on the disclosure of information in relation to sex offenders later this year; action taken in relation to the provisions of the Crime and Disorder Act 1998 to ensure organisations can share information for the purposes of that Act where this is appropriate or necessary; drawing up a Code of Practice on the use of information contained in Criminal Records Certificates as part of the work to set up a Criminal Records Agency; and as a matter of priority looking at the question of information sharing in the recently established Home Office led inter-departmental working group which will also consider additional safeguards to prevent those people who are considered unsuitable from working with children. (Response chapter 8)*

**PR14. All organisations accommodating children should instruct staff to raise legitimate concerns about the conduct of colleagues or managers and protect them against victimisation. (Chapter 15)**

& 49. There is a need for urgent advice to staff about professionals who abuse (children with disabilities), including what to do if they suspect a colleague. & 101. The Review recommends that

- "cultural change must be led from the top" boards of management should adopt and promulgate policies of openness and promptness in dealing with complaints, and designate a board member with special responsibility;
- executive management should investigate and report on all complaints about staff that affect children;
- a senior official should be nominated to institute investigations where the complainant feels unable to act through line management; codes of conduct should include a duty to report any behaviour which may harm children on the part of staff, managers, volunteers or others. such reports should normally be made to a member of line management or to a nominated officer, or to a nominated member of the board of management;
- the code should offer confidentiality for the initial reports and protect a complainant in good faith against any subsequent disadvantage. (15.27)

*Agreed. The Government will remind the governing bodies of all organisations responsible for the care of children and young people that they should have procedures in place that enable staff to raise significant concerns outside their normal line management when they consider the manager has been unresponsive or is the subject of concern. Governing bodies should inform staff of the established procedures for making complaints. This is in line with recommendations in "Choosing With Care". (Response (chapter 8)*

**PR15. Local authorities should make direct use of the experience of the children they look after in developing policy, practice and training for services for children living away from home. (Chapter 7)**

*Agreed. The "Quality Protects" programme will promote the involvement of young people in local planning and the Government will involve, as appropriate, young people in developing policy, practice and staff training on a national basis. As a first step, a young person formerly in care was a member of the Ministerial Task Force which assisted the Government in drawing up this response and which will help the Government to monitor its implementation. (Response (chapter 2).*

**PR16. Government should ensure that legal protection against abuse and harm is consistent in all settings in which children live away from home. (Chapter 10)**

& 67. The Review supports the view of the British Association of Social Workers that 'the law should establish a set of legal rights and protections applying to all children living away from home', and recommends that the Government takes steps to achieve this. (10.6)

*The principles of the Children Act already apply to many of the children living away from home. These will be extended. The Government will take legislation to extend welfare inspections to all boarding schools and to require all children's homes to be registered under the Children Act. In addition, the new regime for juveniles held by the Prison Service will reflect the principles and guidance contained in the Act and its regulations.*

**PR17. Local and health authorities should assess and meet the need for treatment of children who have been abused. (Chapter 10)**

& 69. Abused children should attract high priority for treatment from public funds - especially children who have been abused while in public care. Local and health authorities should ensure that it is provided. (10.9)

*There is no single treatment for abuse. The resultant problems or disorders are the focus for treatment. Joint working between local and health authorities and other agencies is essential to ensure that needs are correctly assessed and met appropriately. This should be covered in Children's Services Plans. The on-going programme of improvement to Child and Adolescent Mental Health Services is focused on ensuring more equitable availability of effective treatment for children with specific mental health problems and disorders, many of which occur as a result of abuse. Priority for treatment from the NHS is determined by clinical need. (Response chapter 6).*

**PR18. Departments of State with responsibilities affecting children should adopt and actively pursue the aim of safeguarding and promoting their welfare. (Chapter 16)**

&112. The Review acknowledges that policies and their implementation might be better harmonised between different Departments of State, and was impressed by the discussion of these matters in Effective Government Structures for Children (Hodgkin and Newell, Calouste Gulbenkian Foundation, 1996). A first step would be for all Departments of State with responsibilities towards children to adopt the goal of promoting and safeguarding the welfare of children, direct their operations to achieving that goal, and evaluate the success. (16.28)

*Agreed. Departments with direct responsibility for the welfare of children will have objectives appropriate to those responsibilities included in their Departmental Objectives from 1999-2000 and will report on their performance in the achievement of those objectives in their annual reports. (Response chapter 7).*

**PR19. The Department of Health/Welsh Office should in the medium term review and re-issue the Regulations and Guidance associated with the Children Act 1989. (Chapter 17)**

*As legislative changes are made, changes will also need to be made to the regulations and guidance under the Children Act 1989. This will be done once amending primary legislation has been enacted. Guidance about their corporate parenting responsibilities has been issued to local authority members in England. as part of the "Quality Protects" programme In the longer term it may be necessary to completely revise and re-issue the regulations and guidance to the Children Act 1989. (Response chapter 2).*

**PR20. Government should implement the remaining recommendations of the Advisory Group on Video Evidence (The Pigot Report), and undertake a comprehensive review of arrangements for prosecuting sexual offenders against children. (Chapter 20)**

& 134. Action is needed to make it more effective. Its main recommendations are that the Pigot recommendations should be implemented in the next Parliamentary session (20.19). In order to improve their effectiveness and afford greater protection to children in general. There should be a wide ranging review of the arrangements for prosecuting alleged sex offenders against children (20.27). It should also consider the arrangements in magistrates courts and civil proceedings (20.28). It makes a number of suggestions aimed at increasing the proportion of cases which go to trial. The Memorandum of Guidance for interviewing children should be reviewed (20.19); there should be flexibility in allowing evidence in a form suited to the age of the child and the child should be helped to communicate if necessary (20.20); the severance of cases should only be allowed if requested by the prosecution. (20.21)

& 138. Action should be taken to make the process of the justice system less damaging for children by: the greater use of video recording and television links (20.31); the use of judges and barristers who specialise in work with children (20.32); preparation for the child via the child witness pack and programmes such as the NSPCC's Witness Support Project (20.33); minimise the time it takes cases to come to court and making careful arrangements for child witnesses (20.35).

*Agreed. A range of action is being taken forward to improve the effectiveness of procedures and afford greater protection to children. The Government recently published "Speaking Up for Justice", the report of the Working Group on Vulnerable or Intimidated Witnesses which makes 78 recommendations to improve the way such witnesses, including children, are dealt with in the criminal justice system. These include proposals for the implementation of the outstanding Pigot recommendations (pre-trial cross-examination and use of an intermediary), greater use of the CCTV link for child witnesses and training for all those in the criminal justice system. The Government hopes to make an announcement shortly on this matter.*

*The Steering Group on Child Evidence is tasked with monitoring and improving child evidence provisions including preparation of child witnesses, fast-tracking of cases, guidance on pre-trial therapy and consideration of any relevant information or research.*

*The Government believes it would not be right to change the standard of proof in criminal trials involving child witnesses as this would be discriminatory and in breach of the European Convention on Human Rights. It also sees considerable legal and practical difficulties with the proposals to involve the county courts. The Law Commission are currently reviewing the admissibility of evidence of previous misconduct and their report is expected in early 1999.*

*The Steering Group on Child Evidence is taking action on a number of procedural issues raised in the report. The Government will consider the wider prosecution issues in the light of research which is set out in Annex D. (Response chapter 10)*



## LIST 99 AND CONSULTANCY INDEX

1. DfEE's List 99 records people who have been statutorily barred, either wholly or in part, from teaching and other employment in the education service involving regular contact with children and young people under the age of 19. Barring is made automatically where the person is convicted of a sexual offence involving a child and may be made in other cases of misconduct or on medical grounds. Where a person is barred, it is illegal for a maintained or independent school, or a LEA or FE institution, to employ them in any way which contravenes the terms of the barring order.
2. Independent boarding schools have employees vetted against police checks, List 99 and the Consultancy Index. They are also required to report to DfEE (and the Welsh Office in Wales) cases where employees are dismissed or resign on grounds of misconduct (whether or not convicted of a criminal offence), so that barring action may be considered. Welfare inspections under Section 87, and inspections by OFSTED (and by OHMCI in Wales), check that these responsibilities are being discharged. DfEE (and Welsh Office in Wales) take action with schools found not to be doing so. Maintained boarding schools and employing LEAs as appropriate must undertake comparable vetting and reporting of employees, but they do not currently have the same access as independent boarding schools to the Consultancy Index or welfare inspections under Section 87 of the Children Act 1989.
3. The **Department of Health Consultancy Service Index** enables local authorities and private and voluntary child care organisations in England and Wales to check on the suitability of those they propose to employ. It is a list of child care workers or former child care workers about whom concerns exist around their suitability to work in the child care field.
4. It is used by child care employers when considering the employment of people to posts involving substantial, unsupervised access to children. Although there is no requirement for employers to check names against it, checks have doubled over the last 18 months and are now in the order of 140,000 a year.
5. Information is supplied by employers when staff are dismissed or resign in certain circumstances, or when they have been moved within the organisation to work away from children. Inclusion on the Index does not automatically prohibit the person from working with children, that decision rests with the potential employer after considering references and other information.
6. The service also maintains a list of child care workers whose names have been notified to the Department by the Police following certain convictions and cautions. A check against the consultancy service triggers a check against this list, and the DfEE's List 99.

## THE STEERING GROUP ON CHILD EVIDENCE (SGCE)

1. SGCE was established in 1994. Its primary functions are to monitor the implementation of the child evidence provisions, oversee their evaluation and take forward and resolve any issues arising. The Group is chaired by the Home Office and reports to Home Office Ministers. It includes representatives from interested Government Departments and Agencies (CPS, HMIC, LCD, JSB, DH, ACPO, ADSS) and since last year arrangements have been made for non-Government organisations (NGOs) who work with child witnesses to participate in regular meetings with the Steering Group.
2. Issues with which the SGCE has previously been involved include the good practice video, "A Case for Balance" for the judiciary and the legal profession which was produced last year by the NSPCC and part funded by the Home Office and other Government Departments.
3. Since the Children's Safeguards Review reported in 1997, there have been a number of developments in this area and the SGCE is driving forward the following issues:
  - i. **Fast tracking of child abuse cases:** an initiative to fast track cases involving children was promulgated by the Criminal Justice Consultative Committee (CJCC) to their Area Committees. Most areas have such a scheme in place or alternative arrangements have been made to ensure that these cases are dealt with as speedily as is consistent with the interests of justice. In January, the CJCC endorsed proposals from the Lord Chancellors Department, following the piloting of a form designed to monitor fast track schemes. The aim is to start collecting data early next year. This will be evaluated regularly by Area Committees, and twice a year by the CJCC.
  - ii. **Preparing the child for court:** the SGCE is co-ordinating work to improve the arrangements for preparing child witnesses for court in consultation with groups and individuals who have an interest.
  - iii. **Revision of the Child Witness Pack:** the Pack was revised and relaunched as the Young Witness Pack on 19 June 1998. Under the Victim's Charter the police have responsibility for supplying the Pack to child witnesses and their parents/carers. Monitoring exercises covering all 27 Charter Standards are undertaken by the Home Office twice a year, with a summary of findings appearing in the Home Office Annual Report in April of each year.
  - iv. **The supporter in the TV link room:** the SGCE is taking this issue forward in consultation with appropriate agencies.
  - v. **Provision of transcripts of video evidence:** the CPS has taken responsibility for this and established a new unit to carry out the work on 1 December 1997. Regular reports are submitted to SGCE about the performance of the CPS Video Transcription Unit. In addition to routine aspects such as the throughput of tapes, other issues are also highlighted including the technical quality of the videos received.
  - vi. **Quality of playback of video evidence:** following approval by the Court Service Management Board, "boxes" have been installed in selected courts which are capable of improving the quality of playback. An evaluation exercise by the Court Service will be completed by March 1999.
  - vii. **Pre-trial therapy:** following detailed consideration of the issues relating to the provision of pre-trial therapy by a multi-disciplinary group led by the CPS, good practice guidance has been drafted on which there will be wide consultation. The CPS is to consult on the guidance by the end of the year. The issue of monitoring the effectiveness of the guidance will also be considered by SGCE.



## CURRENT RESEARCH ON CASES INVOLVING CHILDREN

### (a) Attrition of child abuse cases

The University of Manchester has recently begun a two year study to measure the rate of attrition; the characteristics of terminated cases at each stage of the criminal justice system; the reasons for termination and to determine the implications for policy and practice.

### (b) Attrition in rape cases

A research study on attrition in rape cases is currently being conducted by the Home Office with the aim of discovering what factors influence whether or not recorded rape leads to a conviction for rape and whether such factors have changed over the period 1985 to the present day. This project is due to be completed towards the end of this year.

### (c) Audit of training in police interviewing of child witnesses in child sexual abuse prosecutions

Leicester University has recently completed an audit of training in interviewing child witnesses together with proposals for a national curriculum for police training.

### (d) Memorandum of good practice

Leicester University is also conducting a literature review on the memorandum of good practice on video-recorded interviews with child witnesses.

### (e) Admissibility and sufficiency of evidence in child abuse prosecutions

A team from Bristol University is examining whether child abuse prosecutions fail or do not proceed on evidential grounds. They have been asked to develop practical recommendations to improve investigations within the current legal framework and, if evidential problems are found to impede successful prosecutions, to consider whether further legislative reform is needed. The project is nearing completion.

### (f) Sex offending against children

The Home Office Police Research Group has also conducted a literature review on the extent and nature of child abuse, characteristics of offenders, the risks posed by them and how such risk can be managed.

### (g) Evaluation of the Sex Offender Register

The Home Office will shortly be commissioning research to evaluate the operation of the sex offender register introduced by the Sex Offenders Act 1997. It is envisaged that this will take 9 months with findings published in mid-1999.

### (h) Dangerous and sexual offenders

The Home Office will also be commissioning research shortly on a risk assessment for dangerous and sexual offenders. It is envisaged that this will take 12 months to complete.

#### (i) Children involved in prostitution

The Home Office has conducted a literature review of children involved in prostitution which will be published in the Autumn.

#### STATISTICS

The Home Office publishes annual statistics on children as victims of crime - the first report was published in August 1997, giving details of the 1995 statistics. The 1996 statistics were published in May 1998. The Government notes the concerns in the Children's Safeguards Review that data should be available centrally about the reasons for discontinuance in child abuse cases to assist in the development of policy and practice in this area. It believes that the underlying reasons for discontinuance in child abuse cases can best be revealed by the programme of research mentioned above and is not persuaded that there would be significant benefits in changing the basis of the data collection as suggested by the Children's Safeguards Review.

## GLOSSARY OF ABBREVIATIONS

ACOP - Association of Chief Officers of Probation

ACPCs - Area Child Protection Committees

ACPO - Association of Chief Police Officers

ADSS - Association of Directors of Social Services

CCETSW - Central Council for Education and Training in Social Work?

CJCC - Criminal Justice Consultative Committee

CPS - Criminal Prosecution Service

CSPs - Children's Services Plans

DETR - Department of Environment, Transport and the Regions

DfEE - Department for Education and Employment

DH - Department of Health

DipSW - Diploma in Social Work

DTO - Detention and Training Order

EBD - Educational and Behavioural Difficulties

GSCC - General Social Care Council

GCSE - General Certificate of Secondary Education

GTC - General Training Council

HMCIP - Her Majesty's Chief Inspector of Prisons

HMIC - Her Majesty's Inspectorate of Constabulary

HSC - Health Service Circular

ISNIS - Immigration Service National Intelligence Section

JSB -Judicial Studies Board

LCD - Lord Chancellor's Department

LEA - Local Education Authority

LGA - Local Government Association

NGOs - Non-Government Organisations

NPG - National Priorities Guidance

NTO - National Training Organisation

NVQ - National Vocational Qualification

OFSTED -Office of Standards in Education (England)

OHMCI - Office of Her Majesty's Chief Inspector of schools (Wales)

PAMs - Professions Allied to Medicine

PQ - Post Qualifying Award

PSS - Personal Social Services

SGCE - Steering Group on Child Evidence

SSD - Social Services Department

SSI - Social Services Inspectorate

SSIW - Social Services Inspectorate Wales

TSP - Training Support Programme

VOCS - Voluntary Organisations Consultancy Service

WLGA - Welsh Local Government Association

YOIs - Young Offenders Institution



## FOREWORD

By the Secretary of State for Health, The Rt Hon Frank Dobson PC MP, Chairman of the Ministerial Task Force on Children's Safeguards

The Utting Report from the Children's Safeguards Review was published in November last year. It painted a woeful tale of failure. Many children who had been "taken into care" to protect and help them had not been protected and helped. Instead some had suffered abuse at the hands of those who were meant to help them. Many more had been let down, never given the attention they needed, shifted from place to place, school to school and then turned out when they reached 16.

This wasn't just a failure by care staff. The children had been failed by social services managers, councils, councillors, police, schools, neighbours, the Social Services Inspectorate, Government Departments, Ministers and Parliament. Some people from all those categories and institutions had worked hard to do a good job for these children but too many did not. The whole system had failed.

When the report was published the Government set up a Ministerial Task Force to thrash out our response. This involved Ministers from ten Government Departments and outside representatives from social services, education, the police and the voluntary sector. It also included one young woman who had recently been through the system. She made some very important contributions and provided salutary reminders of the real world in which children were actually living. I am grateful to all concerned for their positive contributions to the work of developing such a comprehensive set of measures.

Throughout our deliberations I asked all concerned to look at things from the point of view of the children and to ask "would this have been good enough for me when I was a child" or "would this be good enough for my children". And that is what the Task Force has tried to do. As a result our proposals are intended to ensure that those responsible at any level for children in care act towards them as any good natural parent tries to act towards their children.

We have proposed and the Government has accepted a range of practical measures to try to make sure that in future children in care are looked after properly and get a decent start in life. Having completed our report the Task Force has been given the further task of making sure it is implemented. In the past the whole system failed these children. It's our job to make sure that the whole system delivers. It's called joined up Government - all Government Departments, local authorities, police and voluntary organisation working together to a common goal with clear targets and a demanding timetable. Additional resources are being made available. There can be no more excuses.

Frank Dobson

## Other Recommendations

1. Local authorities should review their placement policies and practice to ensure that the safety of each child remains a priority. (2.12)

*Agreed. This will be taken forward as part of the "Quality Protects" programme over the next three years. (Response chapter 2).*

2. The Review urges speedy implementation of the Burgner recommendation that ... [small children's homes] be brought within the regulatory framework. (2.13)

*Agreed. This will be covered in the forthcoming Social Services White Paper. Legislation will be introduced when Parliamentary time is available. (Response chapter 3)*

3. The suggestion in the Burgner Report that local authorities should register and inspect voluntary children's homes is supported and other points about registration endorsed. ( 2.13)

*Agreed. It is intended that all children's homes will become subject to inspection and regulation under the new independent regulatory arrangements. This will be covered in the forthcoming Social Services White Paper. Legislation will be sought when Parliamentary time is available. (Response chapter 3)*

4. Powers should be established that enable the local authority to take over management of a registered children's home in an emergency and the appeals process to a Registered Homes Tribunal should be speeded up. (2.15)

&121 It is recommended that local authorities should have power to de-register a children's home with immediate effect where the safety of residents is in question (17.36) and the Department for Education and Employment should provide the Registrar of Independent Schools with similar powers.

*The closure and de-registration of children's homes will be covered in the forthcoming Social Services White Paper. Legislation will be introduced when Parliamentary time is available. The DfEE and Welsh Office are currently reviewing the existing statutory system of registering and monitoring all independent schools. This will be the subject of a consultation exercise and may require legislation to implement changes. (Response (chapters 3 & 5)).*

5. The Department of Health/Welsh Office should facilitate the action needed by local and health authorities to identify and meet the health needs of looked after children. (2.17) (Also see PR3, PR17 and 69).

*Agreed. Entry to care is a key opportunity to identify the health needs of the child or young person, and to plan, with them, the necessary action to be taken. Guidance will be issued during 1999 to ensure that each child/ young person entering care is offered an appropriate health assessment. In addition, the Looking After Children: Good Parenting, Good Outcomes system helps local authorities to identify the health needs of their looked after children because it requires information on their health history, including health checks and immunisation. A survey of the mental health of children and young people throughout Britain has also been commissioned by the Department of Health and the Welsh Office and is now being piloted. (Response (chapter 6)).*

6. All staff involved in assessment [of foster carers] should receive awareness training about both male and female offenders who abuse in a family context. (3.33)

*Agreed. ACPCs and SSDs are already expected to provide such awareness training as part of their programmes of child care and child protection and the Training Support Programme in England is funding a project in 1998/99 on the profiles and methods of child abusers with a view to introducing training materials by the end of 1999. The Government's plans for improved in-service training and funding for NVQs, DipSW and PQs will also help to meet this need (Response chapter 8).*

7. Authorities and agencies should review their policies on family placements to ensure they take account of the dangers of peer abuse. (3.38)

*Agreed. This will be taken forward as part of the "Quality Protects" programme to ensure current procedures are correctly followed and that there are sufficient placements to choose from. This issue will also be addressed in taking forward work on the National Standards for Foster Care and the Code of Practice on the Recruitment, Assessment, Approval, Training, Management, and Support of foster carers(Response chapter2).*

9. It appears there may be more risk attached in long term foster care. Authorities should carry out an audit of their long-standing carers in order to see whether there are any grounds for concern. (3.42)

*When undertaking the required regular reviews of the child's placements local authorities should consider carefully the situation and should address any concerns they may have of any foster care as part of routine practice. Concerns should be discussed at the foster carers annual review. This will be addressed in the National Standards for Foster Care which will be published in April 1999.*

10. Local authorities should keep records of allegations of abuse and have a clear policy on when carers would be removed from the foster care register. Records should be taken into account in any further allegations, during regular reviews and in deciding what to put in references. (3.44)

*Agreed. This will be taken forward as part of the "Quality Protects" programmes to ensure procedures are correctly followed and records correctly kept. It will also be addressed in the National Standards for Foster Care and the Code of Practice on the Recruitment, Assessment, Approval, Training, Management, and Support of Foster Carers which will be published in 1999.*

11. Placing authorities should notify approving authorities of any allegations and their outcomes and foster carers whose approval is terminated as a result of investigations should be put on the DH Consultancy Index. (3.45)

*Agreed. Placing authorities approving authorities and independent agencies should already keep each other informed on allegations and their outcomes and should have clear arrangements about who is responsible for investigating an allegation. This will be promoted as part of the "Quality Protects" programme to ensure procedures are correctly followed and in the Code of Practice on the Recruitment, Assessment, Approval, Training, Management, and Support of Foster Carers and National Standards for Foster Care.*

12. Because of potential isolation in foster care, it is recommended that social workers should be required to see the child alone during each visit made under Regulation 6(3) of the Foster Placement Regulations.

*Social workers are already required to see children on their own for a proportion of visits. Seeing a child alone on every visit may not always be possible if the child prefers not to be seen alone. However the need to provide evidence that the child has been left alone on some visits will be promoted as part of the "Quality Protects" programme to ensure procedures are correctly followed. This will also be addressed in the National Standards for Foster Care (Response (Chapter 2)).*

13. Regulation 6(1) (of the Foster Placement Regulations) should be amended to reduce the maximum period between visits to a child in a foster home after the first year of placement from 3 months to 8 weeks. (3.46)

*The Government will work with local authorities to improve the quality and choice of placements through additional support and training for foster carers and will consider phasing in this change as part of this(Response Chapter 2).*

14. Local authorities should assess any special or additional needs for the support of single foster parents and children placed with them and consider whether to provide the child with an Independent Visitor.

*Agreed. This is good practice and should already be considered for all children. Improved care planning as part of the "Quality Protects" programme, ensuring that all children entitled to independent visitors receive them, work to increase the quality and choice of placements through additional support and training for foster carers, the National Standards for foster care and the Code of Practice on the Recruitment, Assessment, Approval, Training, Management, and Support of Foster Carers will address with this issue. (Response Chapter 2).*

15. Children in foster care should be given information to help them protect themselves. Social workers should arrange this

and discuss it with the child on his/her own. (3.48)

&16. Children should be given age appropriate sex education and have access to help and counselling. (3.49)

&76. The Review recommends that training materials such as those produced by Kidscape should be used as early as possible to introduce children living away from home to what is "appropriate" physical and sexual conduct. (10.30)

*Agreed. The Government accepts this recommendation and will work with other agencies (including schools and the voluntary sector) to provide better information to children living away from home on sex education and "appropriate" physical and sexual conduct, in addition is ensuring that they know how to contact outside help to raise concerns. (response chapter 2).*

17. Authorities should develop a strategy for dealing with emergency fostering with a view to minimising damaging breakdowns. (3.51)

*Agreed. This will be included within the care assessment and care planning work of the "Quality Protects" programme (Response Chapter 2).*

18. The educational and health services should be active in helping the foster carer to provide the best care for the child and to ensure that the carer has some positive help in rectifying problems and difficulties rather than feeling unsupported. (3.52)

*Agreed. This will be taken forward through a range of work. It should already be done through the care planning and placement planning processes. The "Quality Protects" programme combined with work to improve placement quality and choice through support and training for foster carers and improved inter-agency working should ensure foster carers receive the support they need and know where to turn for assistance. The new children's services objectives, targets arising from the Comprehensive Spending Review and the National Priorities Guidance will also play a role in encouraging work in this area. (Response Chapters 2 and 7).*

19. The Burgner recommendation that Independent Fostering Agencies should be brought within the regulatory and inspection framework should be implemented as soon as possible. (3.67)

*Agreed. Plans will be set out in the forthcoming Social Services White Paper and legislation sought at the earliest opportunity (Response Chapter 3).*

21. It will be necessary to give the public notification of the proposed changes in the law (on regulation of private fostering) and it is recommended that the Department of Health should mount a public awareness campaign about this (3.81)

*Although not taking forward the Review's recommendation to register and approve all private foster carers, a public information campaign will be mounted to promote compliance with the existing regulations and to inform parents about the proposed Code of Practice for language schools.*

22. The Review supports the recommendation made by the Service Children's Education Authority that the Ministry of Defence make the Boarding School Allowance payable on condition that parents seek advice about choosing a school from the Authority. (4.9)

&25. The Review supports the Service Children's Education Authority's proposal that payment of the Boarding School Allowance be conditional on parents seeking advice from the Authority. (4.8-9)

*A wide ranging review was undertaken of the administration of the Admissible Schools List. This review concluded that the advisory role of the Service Children's Education Agency will be enhanced and all claimants will be required to certify that they are aware that advice is available, or has been obtained from the Agency.*

*Additionally, it has been decided that from 1 September 1999, schools will be included on their Admissible Schools List (to be renamed Accredited Schools Database) only if they are members of an organisation affiliated to the Independent Schools Council or are in the maintained sector, or are governed by an appropriate professional or vocational organisation, and which, having been inspected under a DfEE (or similar) approved regime, agree to the inspection report being placed in the public domain. Revised arrangements will also be introduced for removing schools from the List when they fail to meet the criteria, or when a Notice of Complaint is issued. Parents who choose to keep their children at such a school will jeopardise*



*their entitlement to educational allowances*

22. Independent boarding schools should ensure that their brochures include information on safeguards. (4.10)

&24. The Independent Schools Information Service's guide to choosing an independent school should include a section on safeguards. (4.10)

*Agreed. This will tie in with work in response to PR10 and PR11. DfEE are working with relevant interests.*

26. The Review welcomes the proposal for an umbrella body for guardianship agencies, which would develop an accreditation system and Code of Practice. It would be desirable to ensure that parents always appoint a guardian from an agency accredited by the body and conforming to their Code of Practice. (4.19)

*The Association of Educational Guardians for International Students (AEGIS) and their code of practice was launched in November 1997. This is an independent organisation. The Government agrees it would be desirable if parents always appointed guardians accredited by an agency belonging to AEGIS.*

27. Section 87 procedures should be improved: (i) Inspection reports to be publicly available on the same basis as those on children's homes; (4.25)

&118 Reports of inspections under Section 87 of the Children Act 1989 be regarded as public documents. (17.31)

*Agreed. These documents should be publicly available and is considering how to implement.*

27. Section 87 procedures should be improved: (ii) Independent Registration and Inspection Units to give priority to making the format and content of reports more accessible to a lay audience; (4.25)

*Agreed. The Government agrees reports of Section 87 inspections should be reader friendly and the Government is considering how to implement.*

27. Section 87 procedures should be improved: (iii) Local authorities to be responsible for following up recommendations. (4.26)

*Agreed. Recommendations in Section 87 welfare inspection reports should be followed up to ensure that they are complied with. The Government will consider how to implement this in the context of the new regulatory arrangements to be set out in the Social Services White Paper.*

28. The Review welcomes the DfEE's intention to review the registration system for independent schools. Any review should be based on the principle that boarding schools should not accommodate children without preliminary examination of the welfare aspects and any new Notice of Complaint procedure [should] allow for immediate cancellation where children are in danger. (4.29-4.31)

*The Review of the existing statutory system of registering and monitoring all independent schools is currently being carried out by the DfEE and the Welsh Office and will be the subject of a consultation exercise during Autumn 1998. (Response Chapter 3).*

29. The Review welcomes the fact that maintained and non-maintained residential special schools are required to have a governing body with a duty to make arrangements for safeguarding and promoting the welfare of pupils and recommends that independent special schools should be required to have similar bodies. (4.40)

*Agreed. The Government will consult early in 1999 on plans for placing governing bodies of approved independent special schools under a duty to make arrangements to safeguard and promote the welfare of pupils in a similar way to maintained and non-maintained special schools. (Response Chapter 5).*

30. Children with emotional and behavioural difficulties who are placed in residential schools for social and educational reasons should also be assessed as potential children in need. (4.42-4.46)

&52. The emotional needs of children with emotional and behavioural difficulties make them susceptible and their behaviour

means they are less likely to be believed. The agencies responsible for them may not be disposed to ask too many questions of institutions that seem to be successfully containing particularly difficult children. And they may be exposed to abuse under the guise of innovatory treatment. The Review believes that the existing protection for these children should be extended and improved. (8.36-7)

*Rejected. The Government believes that current assessment procedures are appropriate and that, if procedures are properly followed, children in need are identified. The "Quality Protects" programme will improve assessment and placement procedures by SSDs and will promote the correct use of procedures for investigating allegations. It will also stress that these must be properly followed and that if they are not action will be taken. (Response Chapters 2 & 7).*

*Procedures for making educational placements in residential schools and for considering allegations will be looked at further.*

31. DH and DfEE statistics on numbers of schools also required to register as children's homes are markedly different. The Review suggests that the two Departments look into the effect of the Children Act 1989 definition and take steps to make the regulatory framework simpler and more effective. (4.52-4.53)

*Agreed. Officials from the Department of Health and the DfEE will work together towards the end of 1998 to review the current legislation and to simplify and clarify procedures for dual registration. More details will be announced in 1999.*

32. The Review comments on the dearth of information about the effect of Section 85 of the Children Act 1989 which requires education establishments to notify local authorities of any child they accommodate or intend to accommodate for three months or more. It suggests that the Social Services Inspectorate should set up an inspection to obtain information about this. (4.54)

*The Government is planning to do work to identify the level of notifications, reasons for non-notifications, what is done when a local authority is notified and what better arrangements there could be to safeguard children's welfare in England.*

*SSI Wales has no current plans to include an inspection on Section 85.*

33. Prison Service policy to keep children in discrete accommodation is not being achieved. The incidence of sexual assaults on children in penal settings is unclear and research is recommended. (5.5)

*The Prison Services policy is, so far as is practicable, to keep those aged under 18 separate from other young adults (i.e. 18-20 year olds) and adults. Mixing in regime activities, with appropriate supervision, is permitted. Unconvicted 15 and 16 year old girls are not held in prison but 17 year old girls held on remand (of whom there were only 16 on 31 March 1998) are. Plans are urgently being drawn up to hold all juveniles separately in dedicated accommodation with significantly enhanced regimes. In addition, plans are being developed for three units to hold juveniles sentenced under Section 53 of the Children and Young Persons Act, 1933, one of which it is hoped will be operational this autumn.*

*There were four recorded incidents of sexual assault in which juveniles were victims in the 12 months to 31 March 1998. The Police investigated each incident and no prosecutions resulted. The Prison Service is looking at how research can best be carried out. (Response Chapter 9).*

34. Children, particularly those who are disturbed, have special health needs. The Review believes the National Health Service should be responsible for the health care of children in penal settings. (5.8)

*The Prison Service's Directorate of Health Care and the Department of Health have conducted a joint review of the organisation and delivery of health care for prisons in England and Wales. A report on the way forward will be published towards the end of the year. (Response Chapter 9).*

35. The fact that boys aged 15 and 16 are still being remanded to prison is a serious failure of public policy which should be put right as quickly as possible. Additional public expenditure must be found in order to end the remand of boys to prison establishments. (5.9)

*The Government has reviewed the secure estate for juveniles and will be making changes in its use, in consultation with the new Youth Justice Board for England and Wales. The Government plans include a discrete secure estate for juveniles within Prison Service accommodation and giving the courts greater flexibility for remanding the most vulnerable 15 and 16 year*

*old boys direct to secure accommodation. This should help resolve the main area of concern which is holding remanded juveniles in adult prisons.*

36. The Department of Health/Welsh Office should consult the Local Government Association and Prison Service about the support social services authorities provide to children in penal settings and their families. (5.12)

*Agreed. The Prison Services Assistant Director (Young Offenders) is in consultation with colleagues from the Department of Health and Welsh Office and representatives of the ADSS, the LGA, the Welsh LGA and ACOP about how the care of juveniles in prison establishments may best be co-ordinated. (Response Chapter 9).*

37. The principles of the Children Act 1989 in promoting and safeguarding children should be incorporated in penal system regulations. Allegations of abuse or other harm should be investigated by the criminal and civil arms as in other settings. (5.13) A major commitment to welfare as well as containment is needed. (5.14) Implementing the overall aim would require a renewed approach to staff training. (5.14)

*The principles and safeguards in the Children Act 1989 do not expressly apply to children in prison. However, the new regime for juveniles will reflect the principles and guidance contained in the Act and its regulations. The Prison Services is in discussion with ACPO, ADSS, and the LGA about arrangements for investigations into allegations or incidents of harm involving a juvenile in a prison establishment. (Response Chapter 9).*

38. The Review supports the recommendation of HM Inspector of Prisons that a National Director be appointed for the young offender estate. (5.15)

*Rejected. The Government has not been persuaded that the recommendation by HM Inspector of Prisons that a national director be appointed for the young offender estate. The appointment of the first Director of Regimes in the Prison Service, who is assisted by an Assistant Director with specific responsibilities for Prison Service policies on young offenders, will lead to a greater emphasis on specific provision within the Prison Service to meet the special needs of young offenders.*

39. A number of babies live in prison. Child protection procedures are needed in two prisons that lack them. (5.19)

*Agreed. All the mother and baby units in women's prisons now have written child protection procedures in place.*

40. The Social Services Inspectorate should carry out an inspection to obtain information about the operation of Section 85 of the Children Act 1989, which requires health authorities to notify local authorities about a child who has been or is intended to be in hospital for more than three months. (5.30)

*Agreed. The SSI, working in partnership with the relevant NHS Executive Regional Office will undertake a thematic review as soon as possible and the Government will consider the need for any further action once the results of the review are available.*

*SSI Wales has no current plans to include an inspection on Section 85. However, consideration will be given to the findings in the forthcoming report by the Hospital Advisory Service 2000 in Wales which reviews the safeguards and standards of care for children receiving in-patient mental health care. The review covered the operation of Section 85 and a statistical analysis of the lengths of stay of such young people.*

41. Psychiatric units should ensure that they have robust systems to prevent visits by undesirable people. (5.27)

*Agreed. Special attention needs to be given to ensuring that children in psychiatric units are safeguarded and will consider the forthcoming report by the Health Advisory Service 2000 on in-patient mental health units in Wales.*

42. The Department of Health/Welsh Office should explore with health authorities ways in which recruitment and selection procedures might be included in any monitoring contracts. (5.32)

*Agreed. NHS employers are being required to review their recruitment processes for those working with children, by April 1999. The outcome will be monitored by NHS Executive Regional Offices.*

43. The children contributing to the Review, and their carers, had clear and valuable opinions on what kept them safe and what exposed them to danger. Some local authorities have discussed these matters with children and carers and the Review

commends this to others. (7.6)

*Agreed. The Government will promote the involvement of children in decisions on their care and the involvement of young people in local planning and in local developments. This will be one of the themes of the "Quality Protects" programme.*

44. The Review believes that social services departments must give full weight to the child protection aspects of investigations when abuse is alleged in residential settings and foster care. (7.9)

*Agreed. The Code of Practice for foster care will pick up on procedures for dealing with allegations. "Working Together under the Children Act 1989" makes clear that the protection of children should be the primary focus of all abuse investigations, whatever their setting. The new "Working Together" guidance to be issued in Spring 1999 will set out the key principles for all child protection investigations, including those in residential settings. The Welsh Office has commissioned the production of a Practice Guide to follow when investigating allegations of abuse made against a local authority member of staff or a foster carer. This Guide will be available by the end of 1998.*

45. In discussing the position of disabled children, the Review concludes that they are extremely vulnerable to abuse of all kinds, including peer abuse, and high priority needs to be given to protecting them and ensuring that safeguards are rigorously applied. (8.22) It recommends that statistics should be collected to enable policy makers and planners to assess need, establish trends and develop services accordingly. (8.24)

*Agreed. High priority should be given to protecting disabled children who make up a large proportion of children living away from home and who are particularly vulnerable. This is why we have included an objective on disabled children in our new objectives for children's services. The Government is considering how best to introduce the Children Act 1989 principles into the care of disabled children in residential care homes and nursing homes. This will be developed with the new regulatory arrangements and further details will be available in 1999. Consideration is also being given to the data which can and should be collected. Further information on this will be available when the Department of Health go to consultation on their performance assessment framework for social services. (Response Chapters 3 & 7).*

46. The Review discusses the need for co-operation between education, social services and health authorities and for a specific commitment to work together to protect disabled children. (8.25)

*The action outlined in response chapter 7 will help with improved co-operation generally, and the inclusion in the new objectives for children's services of one dealing specifically with promoting the welfare needs of disabled children will provide an incentive for the agencies to work together to ensure that disabled children receive good quality care. In addition, the Government will ensure that the revision of "Working Together" (to be published in Spring 1999) covers the particular problems of child protection in relation to disabled children. The Government is also considering regulatory changes to ensure disabled children in all settings are protected.*

47. There should be greater interchange between disability and child protection services and clarity about who is responsible for child protection procedures when a child is disabled. (8.26)

*Agreed. ACPCs should ensure that local inter-agency child protection policies and procedures address the needs of children with disabilities. It is the responsibility of each agency - social services, health, education and Police - to follow their own agreed procedures.*

48. The Review advocates involving disabled people in policy making (para 8.28) and helping children to protect themselves and have means of gaining help from others when needed. There may also be a need for specialist advocacy/best friend service for disabled children independent of service providers. (8.27 to 8.29).

& 71. The Review recommends that the Department of Health/Welsh Office supports a project to test the feasibility of providing independent visitors to all children looked after by local authorities who might benefit from them.

*The Government will take action to ensure all children statutorily entitled to independent visitors are provided with one. It will also seek to encourage befriending and mentoring schemes. There are already a number of schemes in place in London (funded by the Department of Health through Section 64), Leeds and Bedford as well as some useful pieces of research by a range of organisations (including the Joseph Rowntree Foundation and a Government funded project by the Who cares? Trust) which provide evidence on the current range of services provided and their benefits, costs and feasibility. The Department of Health and the Welsh Office will pull together this evidence and consider how to take further work forward. This will be linked with the "Quality Protects" programme.*

50. Where a child has been abused, police, social services and health authorities should provide personnel who have been trained to communicate with those with learning disabilities. (8.32) Further work is needed in developing non-verbal means of communication and systematic approaches to interviewing and discussing emotional issues. (8.33)

*The revised Working Together guidance will look at the needs of all disabled children when it is published in Spring 1999.*

51. There should be a good representation of women amongst carers (of disabled children) and always one or more (for)



children to confide in. (8.34)

& 75. The Review recommends an appropriate gender balance in the management of residential services for children, within the overall policy of appointments being made on merit. (10.28)

*The Government agrees that it would be best if women were well represented among all carers and management. However, this does not remove the need for good recruitment and selection practices which take into account the needs of the children being looked after and these must be followed before the sex of the applicant is considered.*

53. Young children are less able to protect themselves and to complain. Regulatory bodies need greater awareness of this in considering the position of younger children in foster care, preparatory schools and hospitals. (8.38)

*Agreed. The "Quality Protects" programme will give children a greater role in service planning and development which should provide them with a more effective voice. Work is on-going at the University of Swansea and through the looking after children: good practice, good outcomes materials on facilitating greater participation for younger children. This issue will also be considered when legislation is prepared to set up the independent regulatory arrangements.*

54. Children who live far away from home may be at more risk. Schools with more than 10% of pupils from abroad might revert to annual welfare inspections. The accreditation of "guardianship" schemes should be accelerated and their use by parents and schools encouraged. Arrangements for a foreign child aged under 16 to live with a private family for 28 days or more comes within the scope of private fostering regulations, which should be applied. (8.43)

*Rejected. Our consultation on the Review's recommendations showed that there would be difficulties in requiring schools with more than 10% of children from overseas to have welfare inspections annually instead of every four years. This is because the proportions of overseas pupils can fluctuate from year to year. In addition, they do not appear to be directly correlated with the degree of welfare risk and the additional resources required would therefore not necessarily be well spent. The Government will give further consideration to how best the spirit of this recommendation - that appropriate safeguards be maintained at schools with pupils made vulnerable by parental inaccessibility - can be taken forward. (Response Chapter 5).*

*Where a child is living with a private family for 28 days or more current private fostering regulations apply. Following correct procedures will be addressed in the "Quality Protects" programme and the Social Services White Paper will make clear the Government intends to improve enforcement of the private fostering arrangements, targeting the most vulnerable groups. (Response Chapter 3).*

55. Placing authorities should retain protective oversight of all children they are responsible for and children placed by social services, educational and health authorities some distance from their homes must not be overlooked. (8.42)

*Agreed. Placing authorities have legal duties to safeguard and promote the welfare of children they are responsible for. This will be picked up in the "Quality Protects" programme.*

56. The Review supports recommendations 1-13 of the Bridge Consultancy report In Care Contacts - the West Case about children who absconded from local authority care and remained untraced. (8.45)

*The Government will develop further the guidelines arising from work by the LGA and ACPO on tracing young people missing from care and will issue statutory guidance on this by April 1999. It will monitor their implementation through SSI and SSIW inspections. (Response Chapter 2).*

57. Refuges play a useful role and there is a case for recognising them in service plans, and for extending - perhaps as a regional resource - to other centres of population. Ideally as part of a more strategic approach to the problem of homeless, "missing" and disturbed youth. (8.47)

*Agreed. The Government recognises the important role refuges play. Plans for taking forward work with the voluntary sector and local government in this area are being drawn up. (Response Chapter 2).*

59. The Department of Health/Welsh Office should amend Section 24 of the children Act 1989 to convert into a duty the local authorities power to assist a child they have looked after, and to make clear the looking after authority is responsible for after care. (8.64)

*The Government will legislate when the opportunity arises to strengthen the powers and duties of local authorities under the Children Act 1989 to provide support and assistance to young people who have been looked after. This will include a duty to assess and meet the needs of care leavers up to the age of 18. The Government is also minded to extend this until the age of 21, but will first consider affordability. The Government will also legislate to ensure there is a continuing responsibility on the authority which looked after the young person to provide after care assistance. (Response Chapter 4).*

60. An inter-departmental review of treatment (of persistent sexual abusers) to develop proposals for its co-operation and development is recommended. (9.8)

*Agreed. More needs to be done. The Home Office and Department of Health are taking forward a recommendation by HM Inspector of Probation that youth justice services should include treatment to ensure sexual offending by adolescents is properly addressed through assessment, intervention and relapse prevention services. The Probation Service is delivering many programmes to sex offenders under their supervision. The Home Office and Prison Service are evaluating the outcomes of sex offender treatment programmes and will then decide what further action to take.*

61. There is some recognition of the importance of discovering pornography and pursuing the leads that it provides but the resources that are allocated to this are relatively small. The police and HM Customs and Excise are urged to dedicate more resources to this and to build up their expertise so that more pornographers are identified and prosecuted and more of their customers are identified and put on centrally held lists of paedophile suspects. (9.26-7)

*The Government gives, and will continue to give, high priority to the detection of child pornography. HM Customs have set up a network of Paedophile Intelligence Liaison Officers throughout the UK and a National Intelligence Co-ordinator was appointed to the National Intelligence Division on a full-time basis in 1997. Customs detentions of paedophile material are also copied to the National Criminal Intelligence Service for inclusion on their Alert Database of known or suspected paedophiles. The deployment of police resources is a matter for individual Chief Officers of Police but it is clear that combating the spread of child pornography, particularly via the Internet, poses particular challenges. In recognition of this, the whole question of the strategic implications for law enforcement of Internet related crime is currently under consideration by senior representatives of the police, following a recent report by the National Criminal Intelligence Service.*

62. The Review recommends that there should be a ban on the export of child pornography as well as its import; the Customs Consolidation Act should be amended to cover "signals" as well as "articles" so that the Internet is covered. (9.29)

*Officials are examining options for introducing legislation to prohibit the export of child pornography. In considering the options they will bear in mind that UK domestic controls already make the possession of child pornography illegal both for personal use and for distribution within the UK, whether for eventual export or otherwise. As Customs powers and legislation are directed at the movement of goods, not electronic signals, legal advice is that it is inappropriate to amend the Customs Consolidation Act to cover the importation of 'signals' as well as 'articles'. Officials are exploring other means to cover the Internet. (Response Chapter 9)*

63. The Review recommends that child prostitution should be dealt with as a child protection issue, and calls for a review of the legislation to ensure that there are adequate means of deterring and punishing those who exploit young people in this way. (9.30-40)

& 64. All agencies should work together to ensure that there is a coherent policy for dealing with child prostitution from a child protection perspective. Area Child Protection Committees should take an active interest in (child prostitution) in their area and social services should ensure that there are staff trained in how to deal with child prostitution. Those dealing with child prostitution in police forces should have knowledge of child protection work, or work closely with those who do. (9.40)

*Agreed. The Government's policy is to regard children in prostitution as victims of abuse who should be helped to leave that way of life. Those who exploit children in prostitution are already liable to prosecution under the criminal law.*

*The Government is determined to ensure that there are effective inter-agency arrangements in place to ensure that children are dealt with appropriately and that abusers are punished. The Department of Health has consulted on revising "Working Together" guidance which suggests that ACPCs should be encouraged to develop protocols for handling the problem in their area. The revised document will be published in Spring 1999. The Home Office and the Department of Health are preparing new guidance to police and social services on how to deal with children in prostitution. The Government has announced its intention to review the law relating to sexual offences. This will include consideration of the offences and penalties that*

*should apply to those who exploit child prostitutes. (Response Chapter 10).*

65. To combat bullying, managers of children's homes should set and monitor standards of acceptable conduct, including the conduct of staff to residents. Organisations providing children's homes should implement effective anti-bullying strategies. (9.44-5)

&73. Bodies with responsibilities for children living away from home should possess effective policies for preventing and confronting all forms of racial harassment and ensure managers enforce them. No adult with responsibilities for children living away from home should "not notice" it or assume nothing can be done. (10.25)

&74. Sexual harassment should be regarded as seriously as racial harassment and appropriate sanctions and training applied to perpetrators. (10.28)

*The term "bullying" can be used to describe activities ranging from physical violence through racial and sexual harassment, sexual exploitation, using threats to obtain money or property to psychological torture. Ways of preventing and detecting bullying must stay near the top of the agenda in all settings where children live away from home. Management should set and monitor standards of acceptable conduct, which includes the conduct of staff to residents. The revised "Working Together" guidance which will be issued in Spring 1999 will discuss what constitutes effective anti-bullying strategies. This will build on good practice examples received as responses to the consultation paper and on work that has already been taken forward in schools.*

66. The Review urges the Prison Service to take the management action needed to implement anti-bullying strategies consistently in all establishments in which children aged under 18 are detained. (9.49)

*The new Youth Justice Board will take account of this in advising on standards for juvenile secure facilities and in monitoring the delivery of these standards. In the meantime, there are a number of initiatives to prevent bullying and to deal with bullies. A project aimed specifically to reduce violence in young offender institutions is already working to co-ordinate the various measures designed to promote good behaviour and to tackle the bad. The key to tackling bullying and self-harm is the provision of full, active and purposeful regimes and high quality relationships between the young people and staff. Central to the latter is the culture of an establishment. Much effort is now being made to change the culture in those establishments which look after the juveniles by better staff training. The Prison Service provides training which was designed by the Trust for the Study of Adolescence for which formal accreditation is now being sought. The Prison Service also recognises the important role of education in regimes for juveniles. A key element of the new regime standards for juveniles will be education. Education will tackle the commonplace literacy, numeracy and social skills problems and prepares them either for a elearn to learningí or for employment (Response Chapter 9).*

68. The right to use corporal punishment should be removed from those boarding schools which still retain it. (10.6)

*Agreed. The School Standards and Framework Act 1998 outlaws corporal punishment for all pupils in maintained and non-maintained schools and for children receiving nursery education. The provisions will come into force on 1 September 1999.*

70. Local authorities should offer children's rights services to all children they look after. Children's rights training should be included in training for all staff who work in residential settings. Children wishing to use the formal complaints procedure should be entitled to the services of an advocate. (10.11-12)

&127. Children wishing to use the statutory complaints procedure should be offered the help of an independent adult or children's rights officer. (18.14)

*The Government supports the concept of children's rights officers. A Government funded research project by The Children's Society on complaints procedures is due to be published soon and the Government will consider the lessons to be learnt from this before devising further plans. There is no intention to take forward the recommendation to give children's rights training for residential care workers because it is intended that this will be dealt with within the NVQ training initiative which has been started with £2million in 1998/9 and will be funded to a larger extent over the following three years.*

*The Welsh Office is funding research into models for advocacy for children who are looked after in Wales. The results of this will be known early in the New Year and will be used to develop policy and plans in Wales. The Department of Health will also consider their findings.*



72. A new organisation for young people who are or have been in care is needed which should be supported from statutory as well as charitable sources. (10.17)

*Agreed. The government has commissioned First Key to take forward a project to establish a group to provide a national voice for looked after children and those formerly in the care of local authorities and has agreed Section 64 funding of £450,000 over the next three years. The Welsh Office will continue to support Voices from Care, a national organisation for young people who are or have been looked after.*

77. The Department of Health, the Department for Education and Employment and the Home Office should consider commissioning a study which surveys issues of control across all settings for which these departments have a policy responsibility with a view to publishing a handbook of guidance and standards for managers and practitioners. (11.28)

*The Government accepts further work on control is needed. The Departments are considering how to take this forward in the light of the Comprehensive Spending Review outcome and current guidance and practice.*

78. If Taking Care Taking Control could be said to have addressed behavioural development, then the following topics remain to be addressed: health, education, identity, family and social relationships, social presentation and self care skills. We suggest that this could be the starting point for a curriculum of in-service training to be reflected in training materials applicable to foster care, residential care in homes and in (special) schools. To this core should be added training in how to ensure the safety of children living away from home and the care of children who have been abused. (12.13)

*Agreed. Money from the Department of Health's TSP will be used to produce relevant training materials. Investment in NVQs will also help to deliver this. (Response chapter 8)*

79. The Central Council for Education and Training in Social Work (CCETSW) should specify the content of child care training on courses which lead to qualifications by defining the content of a curriculum of learning, in addition to describing the competencies and standards which must be demonstrated. (12.22)

*The recent establishment of a National Training Organisation for the Personal Social Services should help engage employers more closely in owning and addressing the current deficiencies in the quantity and quality of training. (Response Chapter 8).*

*DH and CCETSW have jointly commissioned the University of Leicester to develop the knowledge base and draft curriculum guidance for a new Post Qualification (PQ) award in child care. The intention is to fund the development of the curriculum guidance between January 1999 and October at six or eight centres of excellence with a view to starting courses in January 2000. This PQ level work will begin to distinguish the knowledge and skills which basically qualified social workers will need to demonstrate and in turn will inform a planned review of the DipSW in 1999.*

*A review of CCETSW's regulatory functions is underway and this will include consideration of the scope and strength of CCETSW's powers. This work is being done for the benefit of the GSCC which will be created when legislative time allows. It is intended that the GSCC will have the necessary powers to ensure that professional social work training delivers staff who are fit for the purpose.*

80. The Department for Education and Employment and Department of Health jointly review and explore the scope for a common approach to developing training opportunities for carers in schools and homes in relation to National Vocational Qualifications and the Diploma in Social Work qualifications. (12.28)

*The Departments will work together to consider the scope for joint training and develop a common approach. This will recognise that the two workforces are not identical and have some divergent needs. (Response chapter 8).*

81. The Department of Health and the Department for Education and Employment commission the production of further training materials designed for the in-service training of carers without professional qualifications in schools and homes. (12.31)

*DH will consult with the relevant employment interests on the sorts of new materials which are necessary and how they can be provided. DfEE will similarly conduct discussions about the needs of the workers in schools. (Response Chapter 8).*

83. The Department of Health and the Home Office should jointly explore the potential for developing guidance and

training materials designed to heighten awareness of child care professionals about the profiles and methods of perpetrators of child abuse. (12.37)

*Agreed. The Training Support Programme in England is funding a project in 1998/99 and 1999/2000 on the profiles and methods of child abusers with a view to introducing training materials by the end of 1999. (Response Chapter 8)*

85. The central Departments should publicise the Support Force's Code of Employment Practice to all employers providing services for children living away from home. (13.24).

*Agreed. This was distributed to all SSDs and is still available free of charge from the Department of Health. SSDs were reminded of availability in Children's Services News early in 1998. It will be possible to promote it again when promoting the Code of Practice for Foster Carers.*

86. Inspection is effective in identifying poor personnel practice and OFSTED and Her Majesty's Inspectorate of prisons should cover recruitment and selection procedures in their inspections as a matter of routine. (13.19)

*Work is being taken forward to see whether this would be practicable in education inspections.*

*Legislation would be needed to give Her Majesty's Chief Inspector of Prisons the ability to inspect recruitment and selection procedures in establishments holding under 18s. However, the Government is content for HMCIP to comment on recruitment and selection issues in juvenile establishments where he believes it is right to do so.*

87. The delays in processing criminal record checks are wholly unacceptable and must be addressed by the Home Secretary when he brings into operation the provisions in the Police Act 1997. (14.11)

*Agreed. It will take two years to put in place arrangements, but once the Criminal Records Agency has been established it should be possible to avoid long delays.*

88. Part V of the Police Act 1997 provides powers for the Home Secretary to issue criminal record certificates. The Review hopes that whatever system is chosen for criminal record checks it adopts the principles of comprehensive coverage and minimum delays. The new system should also serve as a one stop shop for employers, so that they can ask for a criminal record check, a List 99 check and a Consultancy Index check at the same time. (14.12)

& 136. It vital that use is made of soft information, including charges as well as convictions, in the checking arrangements for potential employees. This is also discussed in Chapter 15. (20.28)

*Agreed. A Criminal Records Agency will be established and work is being taken forward to extend the role of the agency to include checks on the Consultancy Index and List 99 but such an extension will require primary legislation.*

89. List 99 operates on a higher standard of proof than the Consultancy Index. Cases not put on after referral (to List 99) are not passed on to the Index. It recommends that both Departments examine their procedures to ensure that information about such people can be considered for inclusion on the Index. (14.20)

& 90. The review recommends that the Department of Health and local authorities monitor the use of the (Consultancy) Index more closely.

(14.26) In the case of foster parents the Review cannot understand why consideration of referral is not standard practice. (14.27) The number of names referred by employers is quite small and it recommends that more should be done to publicise its existence. (14.31)

&91. The proposed review of the (Consultancy) Index is welcomed. It should consider the role of the Secretary of State and whether he should decide that a person represented a risk to children, should not work with children, and should pass the information on to a third party. (14.30)

& 92. The Review recommends that more is done to publicise the Index, so that all employers working with children in any setting use it both to check names against it and refer appropriate people. 14.31)

& 93. The Review suggests that the Department of Health, the Northern Ireland Office and the Scottish Office arrange to

share these sources of information as in (Consultancy Index) with a view to making a check against one Index covering all three. (14.32)

&94. In the case of children's homes this (checks on and referrals to the Consultancy Index) could be strengthened by making it an offence not to notify someone dismissed on grounds of misconduct or who resigned in suspicious circumstances. (14.35)

*The Government's prime objective is to ensure that children are better protected from potential abusers. The DH Consultancy Index is currently undergoing a comprehensive review, and the issues raised are being considered. The Government will seek legislation to place the Index on a statutory basis. Once enacted this will oblige relevant employers, including local authorities, to consult against the Index and refer names to it for inclusion. It will also ensure that inclusion on the Index would be a bar to employment in the relevant fields. (Response Chapter 8).*

95. The Review recommends that the Department of Health/Welsh Office review the effectiveness of the disqualification Regulations and associated guidance. (14.36 to 14.39)

*Agreed. A review of the regulations and associated guidance has begun and will advise whether changes are needed.*

97. Local authorities should ensure that appeals from staff dismissed on grounds of misconduct or unsatisfactory standard of child care practice include members with some knowledge of child care and the authority's corporate parent responsibility to safeguard and promote the welfare of children in the public care. (15.14)

*Agreed. Further thought is being given to how to take this forward. This will be an initiative linked to the "Quality Protects" programme.*

98. All employers should include in the contract of employment a condition that disciplinary procedures will be completed even if an employee resigns during the process. (15.16)

*The Government agrees employees should not be able to avoid the consequences of their actions by resigning. Consideration is being given to the practicalities of continuing disciplinary procedures, particularly the legal position of carrying these out when an individual is no longer employed and the possibility of tracking down individuals after they have resigned. If it is not possible to require disciplinary procedures to be completed, it will be possible to advise investigations should be fully completed and information shared with lists such as the Consultancy Index. It may also be possible to introduce a similar procedure not linked to the disciplinary process. More details will be available by the end of 1999.*

*In the NHS, a forthcoming circular will advise employers to complete investigations even if an individual resigns during disciplinary procedures.*

99. Regulatory bodies should make arrangements to look at staff turnover and the reasons for departure as part of the inspection process. (15.17)

*This will be taken into account when setting up new regulatory arrangements for social services.*

100. The Review supports the establishment of a General Social Services Council, and recommends that both this Council and the proposed General Teaching Council possess robust disciplinary processes for protecting children. (15.24)

*Agreed. The Government is committed to establishing a General Social Care Council GSCC and will seek legislation as soon as Parliamentary time is available. The Government intends that all qualified social workers will be registered early. It further intends that residential child care workers will be registered at about the same time on the basis of a majority of such staff having attained qualification at NVQ level 3. The GSCC's disciplinary processes are being considered and we expect some details to be included in the Social Services White Paper. (Response Chapter 8).*

103. The Review supports equal opportunities policies (but) points out that, applied rigidly, these inhibit frank refereeing and the searching interviewing that should precede recruitment of all care staff. (16.5)

*Agreed. The Government believes it is most important to carry out good practice recruitment and selection procedures and that checks and references must be carried out. This will be monitored by SSI.*

104. Social Services authorities should ensure that measures for safeguarding children who are looked after are given due priority by the council as a whole and that they review the operation and monitoring of the relevant statutory requirements and central guidance. (16.7)

*Agreed. The Government will take this forward as part of the "Quality Protects" programme. Guidance for councillors setting out their roles and responsibilities was issued on 21 September 1998.*

105. Social Services authorities should also satisfy themselves that their managerial, professional and reporting systems are adequate for discharging their accountability for these children. (16.10)

*Agreed. The Government will be taking this forward as part of the "Quality Protects" programme and will provide support to help local authorities to improve their performance. This will be monitored through the performance management framework.*

106. The Review recommends that the Local Government Association should undertake, together with the British Association of Social Workers, a study of the role of the field social worker in relation to looked after children. (16.19)

*Agreed. The Government will work with the LGA/ WLGA and the British Association of Social Workers who have begun to study the role of the field social worker in relation to looked after children with the aim of producing guidance.*

107. The Secretary of State has an important role in exacting accountability from bodies which accommodate children (living away from home). It is important that these powers are exercised consistently and whenever the public interest requires. They may be subject, however, to conflicting pressures, especially if the central Department is in any way uncertain of its role. There is a sense that some re-shaping of the relationship between the Department of Health/Welsh Office and the local authorities is occurring. Factors in this are the changing role of local government overall, the consequences of local government reorganisation, the changing need for services and the changing shape of provision. The central Departments need a tighter grip nationally without eroding the local accountability of the statutory authorities. The new Local Government Association may develop a more effective facilitating role in this relationship than its predecessors. (16.21)

*Agreed. The Government has set out its plans for local government in the White Paper "Modern Local Government - In Touch with the People". Further details in relation to performance assessment for social services will be in the Social Services White Paper.*

108. The Department of Health/Welsh Office should clarify the criteria for using the Secretary of State's powers in response to casework and other matters, and make a small group of administrative and professional staff responsible for applying them. (16.22)

Central Government's powers of intervention in local authority services will form part of the proposed Best Value framework set out in the White Paper "Modern" Local Government - In Touch with the People". The Social Services White Paper will set out how performance Assessment, including powers of intervention when necessary, will operate in the social services.

109. The Social Services Inspectorate should continue to undertake inspections to monitor arrangements for safeguarding the welfare of children living away from home and that the Department of Health should keep the resourcing of the Inspectorate under review. (16.24)

*Agreed. The SSI will continue to monitor children's services and the resourcing of the Inspectorate will continue to be carefully considered.*

110. The Review recommends that the Welsh Office reassess the resourcing and staffing of the Social Services Inspectorate for Wales. (16.25)

*Agreed. The resourcing of SSIW continues to be carefully considered by the Welsh Office.*

111. The Review supports the need for a Strategic Plan in Wales for services for children in need. (16.26)

*Agreed. The Welsh Office will be working with the WLGA and others to develop this in the wider context of a children's strategy.*

113. A ministerial group should be established to safeguard and promote children's welfare. It should secure a consistent government response to this report and other existing reports such as that of the National Commission on the Prevention of Child Abuse. (16.29)

*The Ministerial Task Force on the Children's Safeguards Review met monthly between March and July 1998 to help the Government to draw up this response. It was chaired by the Secretary of State for Health, and involved ten Government Ministers and experts from inside and outside Government. The Task Force will continue to meet less frequently to monitor the implementation of the response and to consider linked policy initiatives. (Response Chapter 7).*

114. The Secretary of State should take action to ensure that local authorities carry out inspections at the required frequency. (17.22)

*Agreed. The NPG has made this a priority area in relation to all inspection work of both local and health authorities. The "Quality Protects" programme will make clear that local authorities must comply with their statutory duties and carry out procedures correctly and that directions will be issued where this is not the case. (Response Chapter 2).*

115. The Social Services Inspectorate should continue its oversight of local inspection units on behalf of the Secretary of State in order to achieve consistently high standards nationally. (17.26)

*The forthcoming Social Services White Paper will set out plans for new regulatory arrangements and for central monitoring. Until these new arrangements are established following legislation, the SSI will continue its oversight of local authority inspection units.*

116. The Social Services Inspectorate should study the action taken by local authorities to consider and implement the findings of reports of inspection units. (17.28)

*Although the forthcoming programme of work by the SSI has been agreed this recommendation will be considered when plans are being drawn up for future inspections and will be considered with other suggestions on the basis of priorities. SSI Wales will be inspecting inspection units in 1998/99 and will endeavour to take this into account. During the previous two years the inspection of children's homes in Wales has addressed this issue.*

117. Reports on children's homes should have a common structure and the Social Services Inspectorate should promulgate a model. Reports on boarding schools must have a common structure. (17.30)

*Agreed. The Government will take forward this objective when the time and resources become available.*

119. It is recommended that arrangements should be introduced for the inspection of welfare arrangements for all health provision in which children are accommodated. (17.32)

*Agreed. Arrangements for promoting and safeguarding the welfare of children should be a part of the inspection system that applies to all registered health settings in which children are accommodated. The Government's proposals for new regulatory arrangements will be contained in the forthcoming Social Services White Paper. (Response Chapter 6)*

120. One correspondent complained of the 'recalcitrant attitude' of the registering authority when asked to take action where widespread abuse had been established. Such instances are unlikely to escape notice by the Department of Health; the Review expects the Department to remind registering authorities forcefully of their responsibilities in such circumstances. (17.37)

*Agreed. This will be addressed in the "Quality Protects" programmes to ensure management arrangements are in place so that responsibilities are properly carried out. Where procedures are not correctly followed or duties and responsibilities fail to be complied with directions will be issued. (Response Chapter 2).*

122. Revised legislation should enable shorter periods of Notice of Complaint to be given for child protection reasons. (17.49)

*The Government is developing new arrangements for taking simpler and faster action against schools which fail on welfare grounds. Improved welfare arrangements for all independent schools, including those with boarding, are being considered by the DfEE and Welsh Office as part of a wider review of the existing statutory system of registering and monitoring all*



*independent schools. This will be the subject of a consultation exercise and may require legislation to implement changes. (Response Chapter 3).*

123. The Review recommends that the Government should examine the need to strengthen the privilege of information communicated to registering authorities about the people and places they are responsible for registering. (17.41)

*Agreed. Further thought is being given to how to do this. (Response Chapter 8).*

124. The Review recommends that public authorities pursue legal process to the fullest extent possible in the interests of children. (17.42)

*Agreed. Proceedings against proprietors of homes should be taken.*

125. The standards relating to child protection in *Inspecting for Quality - Standards for Residential Child Care Services (SSI 1994)* should apply to all settings in which children live away from home. (18.4)

*The revised "Working Together" guidance (to be issued in Spring 1999) will set out the principles for investigating child abuse, whatever the setting. (Response Chapter 7).*

126. In complex (child protection) cases, where practicable, investigations should be carried out by staff who have specialised in such work and are not employed by the authority under investigation. (18.11)

*The new "Working Together" guidance (to be issued in Spring 1999) will set out the principles for investigating complex child abuse cases, whatever their setting. The issue of specialist teams will be considered in this context and the Government's response to this recommendation made then. (Response Chapter 7).*

128. Local authorities should ensure that independent sector providers have effective formal complaints procedures and should enable children to use their own procedures. (18.15)

*Agreed. This will be taken forward as a part of the "Quality Protects" programme. The Department of Health is also carrying out a review of complaints procedures. (Response Chapter 2).*

129. There should be faster and less formal procedures for airing grievances. Local and departmental managers should establish a culture in which minor problems can be sorted out on the spot. (18.16)

*Agreed. Current guidance already addresses the need to solve problems as near to the point at which it arose as possible. The Department of Health is reviewing the PSS complaints procedures and problem solving at source will form a part of the new guidance. The Government will consider how best to promote the development of such a culture. This will be tied in with work in the "Quality Protects" programme. (Response Chapter 2).*

*The Government will remind the governing bodies of all organisations responsible for the care of children and young people that they should have procedures in place that enable staff to raise significant concerns outside their normal line management when they consider the manager has been unresponsive or is the subject of concern. Governing bodies should inform staff of the established procedures for making complaints. This is in line with recommendations in "Choosing With Care". (Response Chapter 8)*

130. Local authorities should satisfy themselves that adequate formal procedures for dealing with complaints exist in all residential schools for which they are responsible. Disabled children and others with special needs are likely to need help in making use of formal systems. (18.17)

*Agreed. The Government will consider how best to promote the development of such a culture.*

131. Telephone helplines and counselling should be accessible to children living away from home, and should receive financial support from statutory and charitable sources. (18.21)

*Agreed. A number of helplines and counselling services are already in place, with funding both from Government and from charitable sources. These include Child Line's dedicated helpline for Children in Care which runs alongside the services which Child Line provides for all children.*

132. The Secretary of State should possess powers of inquiry into all residential schools under Section 81 of the Children Act 1989. (19.5)

*Agreed. Legislation will be sought when Parliamentary time permits. (Response Chapter 5).*

133. Departments of State should respond to the recommendations of reports they have commissioned. (19.6)

*Agreed. The Government are responding in full to this report and fully intend to respond to any future reports commissioned by the Government.*

135. The review recommends a proposal for modifying the balance of probability and suggests that the Home Office investigate it further. (20.23)

*Rejected. The Government believes that it would not be right to change the standard of proof in a criminal trial in one type of case where the witness happened to be a child and it would also potentially be in breach of the United Kingdoms obligations under Article 6 of the European Convention on Human Rights.*

137. Information should be kept, monitored and published on charges and their outcomes in relation to offences against children. (para 20.29)

*The Government is looking at the question of sharing of the availability of information as a matter of priority in the recently established interdepartmental working group which will be considering additional safeguards to prevent those considered unsuitable from working with children.*

139. The Review urges the Crown Prosecution Service to issue a code of practice on pre-trial therapy as soon as possible. (20.34)

*Following detailed consideration of the issues relating to pre-trial therapy by a multi-disciplinary group led by the CPS, good practice guidance has been drafted. As this is a difficult and sensitive area, wide consultation is planned by the end of the year, before the guidance is published.*



