



Department
for Education

18 November 2024

Dear Annie and the Child Safeguarding Practice Review Panel,

National Review – Children with disabilities and complex health needs living in residential settings

I am writing to outline the steps the Department for Education has taken since the initial response to the Child Safeguarding Practice Review Panel's phase 2 report on *Safeguarding children with disabilities and complex health needs in residential settings*.

I would like to thank the Panel for their vital work on this review. Every single child deserves to grow up surrounded by love and care. The children's social care and special education needs system plays a hugely important role in helping families overcome challenges and keeping children safe. It is clear that the children and families involved with the Hesley Group were tragically let down. We recognise that there is still work to be done to ensure that abuse is unable to reoccur in our system – this Government is committed to doing this work.

Our opportunity mission is about giving children and young people the start in life they deserve. Reforming children's social care and the special education needs system is critical to this mission. It is also necessary to achieve financial stability for local authorities. Our manifesto commits to working in partnership with local government to support children in care, whether they are being looked after by their community of wider family and friends, foster carers and adoptive parents, or being cared for in children's homes, where this is the best place for them to be. We also recognise that too often our education and care systems do not meet the needs of those with special educational needs and disabilities (SEND). We have committed to improving inclusivity and expertise in mainstream schools, as well as ensuring that special schools cater for those with the most complex needs.

The King's speech committed to a Children's Wellbeing Bill. The Bill will ensure our education and children's social care systems transform lives for millions of children and young people in England. The Department and I are committed to strengthening regulation of the sector and improving support for children in care no matter where they live, and who cares for them. We have today published "*Keeping children safe, helping families thrive: breaking down barriers to opportunity*", which sets out our legislative plans to reform the children's social care system. We want to keep families together and children safe, to make the care system child-centred, and encourage a self-improving, and truly multi-agency system. Legislation is just one avenue for change at our disposal, and we plan to deliver broader reforms to children's social care through the settlement we have just agreed at the Budget, supporting the shift to earlier intervention with families and keeping children safe and

in secure loving homes. The government has also confirmed its commitment to further reforms to children's social care in future spending reviews to make sure every child, irrespective of background, has the best start in life.

On 18 December 2023, the previous government wrote to you to setting out their response to the recommendations, either accepting them all in full (2), or in principle (7). It committed to providing an update to you after 6 months. Given the constraints of the pre-election period and resulting change of government, the 6-month timeline was disrupted, but I am pleased to now set out the actions taken so far to address the failings identified in your report, and the further work that this government is doing to take forward your recommendations. Our progress is grouped under three core themes that represent the overarching objectives the recommendations seek to achieve. The themes are: making sure that children with disabilities and complex health get their needs met within the right, safe setting; ensuring they are supported by the right professionals, with the right skills; and improving collaboration in multi-agency working and the wider system.

Making sure that children with disabilities and complex health needs get their needs met within the right, safe setting

It is vital that all children, but particularly those with disabilities and the complex health needs, receive the right support in high quality settings, from the earliest possible opportunity. We know that finding the right care placement is paramount, as is supporting children and families throughout their care placement and holding providers to proper account. It is essential that inspection arrangements can be trusted, so that families and local authorities have confidence that their children are safe and thriving if they cannot be supported in the community or live at home. We are utilising all available means to do this, from legislation, right through to how services are delivered on the ground.

We will propose to legislate, when parliamentary time allows, on two key measures that enhance Ofsted's powers and oversight of settings where children with complex health needs and disabilities may be living, so that they are better able to identify and respond to poor practice. This is part of the solution for **recommendation 9(a)** to improve the impact of monitoring, quality assurance and oversight for residential settings:

1. Provider oversight will allow Ofsted to tackle systemic issues across a number of settings owned by the same group much more quickly than they were able to before. Currently, where Ofsted identify issues in a number of homes owned by the same provider, as was the case in the Hesley Group, they have to inspect each individually, and work with the individual setting to make improvements. Ofsted cannot hold provider groups to account for any weaknesses across their organisation, even where this weakness stems from leadership and causes the conditions for harm. Under the new power, Ofsted will work with leaders in the provider group, effect change across a number of settings simultaneously, and if deemed necessary be able to stop the provider group opening new homes and suspend or cancel the registration of all/some

of their homes until identified systemic failings have been addressed.

2. Government will enhance Ofsted's powers to tackle unregistered settings, giving them the authority to issue unlimited civil penalties where settings are not registered, alongside their existing prosecution powers. We know that children with complex needs are often placed in unregistered settings where a suitable registered care placement cannot be found. There is no oversight of the care, or lack of, provided in unregistered settings, and so we cannot be confident that children are receiving the love and care they need. We are working with local authorities to ensure that there are the right homes, in the right places for children, and investing in new care placements and opening up to 560 additional beds by March 2029. However, over the last few years, we have seen an unprecedented rise in the number of homes that choose not to register with Ofsted, this simply isn't good enough and we are committed to putting a stop to it. Currently the only deterrent is prosecution which is lengthy and has associated costs – giving Ofsted the power to issue civil penalties will allow them to tackle those homes who refuse to register much more quickly, and proportionately.

On monitoring and oversight, we're also working with Ofsted as they revise both their Social Care Common Inspection Framework (SCCIF) and Inspecting Local Authority Children's Services (ILACS) framework in response to the Big Listen. We welcome their focus on ensuring that inspections are a constructive force in the sector that champions good practice, empowers leaders and also that the progress and experiences of children are at the heart of inspection. This is of particular importance for those children that are non-speaking and/or communicate their feelings and views in different ways. We will continue to work with Ofsted to ensure that the impact of their changes take account of the specific issues for children with SEND. Working with CQC, Ofsted updated their guidance in July 2024¹ to provide more clarity around registration and to better explain if the provider of an Ofsted registered children's home also provides regulated activities that must be registered with CQC. I am grateful for the advice that Ofsted and CQC provided the previous Secretary of State around joint inspections in response to **recommendation 9(b)**. We are confident that the ongoing work to improve provider oversight and updates to SCCIF will result in significant improvements to inspection processes. However, together with DHSC, Ofsted and CQC we will continue to consider the appropriate action to take in response to their advice, should these improvements prove insufficient in tackling the identified inspection issues.

More locally, we want to ensure that children's needs are identified rapidly and met by the most appropriate settings and services. In your report, you recommended local and sub-regional initiatives to improve the quality and range of provision in the community and in schools for children with disabilities and complex health needs (**recommendation 5**). Families First for Children Pathfinder areas are delivering more integrated services for children with special educational needs and complex

¹ [Children's homes and health care: registration with Ofsted or CQC - GOV.UK](#)

health. For example, in Dorset, they are recruiting assistant education psychologists and integrating their Dorset Education Advice Line into their family help front door, which provides early intervention and whole family support. Wolverhampton are looking at health practitioners becoming Family Help Lead Practitioners. These practitioners help each family to access effective support for interconnected, intergenerational issues. This means health practitioners will be able to work with families from the earliest possible stage, specifically benefitting children with SEND. And, across all local authorities, we are continuing to support local practice in line with the new statutory guidance, the Children's Social Care National Framework (published in December 2023 with a one-year implementation period). This guidance, and the corresponding advice to local authorities on how to embed it, sets out clear ambitions for improved outcomes for all children, young people and families.

The phase 2 report brought into sharper focus the need for reform of the SEND and alternative provision system so that needs can be met close to home. This Government's ambition is that all children and young people with SEND or in alternative provision receive the right support to succeed in their education and as they move into adult life. We are committed to taking a community-wide approach, improving inclusivity and expertise in mainstream schools, as well as ensuring special schools cater to those with the most complex needs. We have committed to listen to and work with families to deliver reform. We will also continue to fund training for SENDIASS, as per **recommendation 2**, so that families receive high quality, free advice locally when residential care is being considered. We continue to offer training and support to improve these services via our contracted delivery partners.

Ensuring children with disabilities and complex health needs are supported by the right professionals, with the right skills

I have heard from speaking to sector leaders and those with lived experience in my first few months in office how important having the right people working with children is, and the huge impact they can have on their lives. This is why we are working to improve professional standards across the sector, so that no matter where you are in the country, children and their families can expect to be supported by skilled and caring people.

We know that there are significant recruitment and retention challenges in the children's homes workforce, and we need to understand these, and the wider picture, better. We are developing in-depth case studies and are conducting a workforce census in October 2024, with results due to be published in early 2025. This will build on the workforce census undertaken by the previous government, which was published in March 2024. The pathfinders for the Regional Care Cooperatives (RCCs) are also scoping ways to collaborate and improve their workforce capacity and capabilities as a core element in ensuring that they can meet the needs of children in their regions. As committed to in response to **recommendation 6**, we are working with Social Work England (SWE) to scope and develop options for establishing professional registration for children's homes

managers and staff. This has the potential to raise the status and profile of working in the sector and improve the quality of provision by providing greater oversight of those working in the sector. SWE are engaging a range of interested stakeholders, including the Children's Homes Association and ADCS, along with learning from the devolved administrations who already register this workforce, to shape their advice. We will set out our next steps for strengthening the workforce in early 2025.

As well as the children's home workforce, Local Authority Designated Officers (LADOs) form a vital part of the local safeguarding system. We are working with local authorities and Ofsted to review the responsibilities of LADOs. We aim to improve both understanding of the LADO role and consistency of their role across different local authorities through the creation of a LADO handbook. Consistency is key to ensuring that every LADO in each local authority is working closely together and sharing vital information across boundaries efficiently to improve child protection and safeguarding. The LADO Handbook has been drafted with the help and assistance of the National LADO Network, Ofsted, ADCS and the Police. We aim to launch a consultation on the handbook by 2025. This work supports **recommendation 8** to strengthen systems for the early identification of safeguarding risks through an enhanced role for host local authorities and integrated care boards (ICBs) in the oversight of residential settings in their area.

Under the previous government a consultation was launched on a revision to the National Standards and statutory guidance for advocacy, following **recommendation 1** of the Panel's report. This consultation highlighted the need to properly fund any new standards. Given the difficult financial landscape our new government has received, extremely difficult decisions are required on where and how our funding is allocated. We are making investments across the children's social care sector and further consideration is required on the feasibility of this recommendation within the current budget.

Improvements to multi-agency working and the wider system

We know that often different professionals working with children and families have information about different aspects of their lives, such as their care needs, health issues or educational attainment and attendance, but it is only when information is shared, and agencies work collaboratively together that we can meet the holistic needs of children with multiple and complex needs. I am committed to strengthening multi-agency working and preventing information silos in the system.

To improve our safeguarding system, we are ensuring better information sharing through the delivery of our manifesto commitment to introduce a Single Unique Identifier. We plan to make two legislative changes to start to deliver on this ambition. The first is to enable the specification of a Single Unique Identifier, and the second is to clarify when information must be shared for safeguarding and welfare purposes. A single identifier has potential to increase confidence that practitioners from different agencies are talking about the same child and increase the ease and possibility of linking data together across datasets. For children with disabilities and complex health needs, this will help join up the range of practitioners supporting them and improve the impact of monitoring and oversight. Secondly, we are

developing and will be proposing legislation to make all education settings relevant agencies by default in multi-agency safeguarding arrangements. The voice and experience of education in how multi-agency safeguarding arrangements are delivered is crucial to protecting children from abuse, neglect, and harm. Through multiple reviews of the children's social care system, we know that although some safeguarding partnerships have worked hard to bring education to the table, in too many places the contribution and voice of education is missing. The legislation would seek to tackle this and to ensure that there is representation for education at both operational and strategic decision-making levels of local arrangements. We want to enable consistency across all local areas in how education is involved in local safeguarding arrangements so that children and families, including those with complex health needs and disabilities, have access to more consistent levels of care and support, and children are protected by more effective multi-agency working.

To ensure that partners work together for children in care, and provide safe, sufficient and appropriate provision for children with disabilities and complex health needs, as recommended in your report (**recommendation 3**), the Regional Care Cooperative pathfinders bring together partners in the commissioning of placements. We are working with two regions – Greater Manchester and the South East - to set up these RCC pathfinders and they are due to go live in 2025. RCCs seek to improve commissioning for all children in care but will have a specific focus on children with the most complex needs by creating networks that reach beyond local authority boundaries. The inclusion of health means that partners will work together to commission the right care placements that will meet children's specific needs, supporting improved care placement sufficiency. The RCC pathfinders will enable a test and learn approach to find the most effective way of implementing this reform, doing so in conjunction with local government and the children's social care sector. You also recommended the DfE, DHSC and NHS England co-ordinate a support programme for commissioners in local authorities and ICBs (**recommendation 4**). Delivery of a programme of national support on forecasting, market shaping and commissioning in children's social care is underway, evidence is currently being gathered on local authority practices and areas for improvement, and from December delivery of support to local authorities will commence.

Further systemic improvements include, working with Design 102, a government design agency, to develop new materials for children and young people that set out the expectations in the updated Working Together to Safeguard Children statutory guidance. The 2023 update focussed on setting national direction to strengthen multi-agency working and ensured stronger focus was placed on practical support and protection for disabled children – we think it's important that everyone has easy access to this guidance. As we work to develop these materials for children and young people, we are seeking to make these easy to navigate for all, and as accessible as possible for children with disabilities and complex health needs and their families. We are also working with the Law Commission, whose ongoing review is considering social care legislation relating to disabled children. Once complete, it will provide recommendations for Government as to how to ensure the law is fair, modern and accessible, allowing children with disabilities to access the support they

need. The public consultation runs from 8 October 2024 to 20 January 2025, and we expect a final report in Spring 2025.

I am proud of the steps that we are taking across both the children's social care and SEND sectors to ensure that we are better able to identify and meet the needs of children with disabilities and complex health needs. However, we know that there is still work to be done. There are issues to which we are working to find the right solution, like on the quality of the advocacy service, or professional registration of children's homes workers. These are complex issues requiring well-considered solutions and we are proactive in finding the solutions that best serve children and young people, including those with disabilities and complex health needs.

I would also like to thank Doncaster Council for the work they are doing as the lead local authority in the criminal investigation into the Hesley Group. Doncaster is working with South Yorkshire Police, who continues with their investigation, likely into 2026. The council continue to employ a full-time LADO and Head of Service for Hesley-related work, as well as support training and engagement events with the other councils that placed children in these three Hesley homes. We are working with Doncaster to learn from the investigation.

At both a national and local level we are driving change to ensure that the shocking abuses suffered by children in Fullerton House, Wilsic Hall and Wheatley House cannot reoccur in our system.

I would like to thank the panel for their ongoing engagement and support to highlight the needs of this specific cohort of children, and we will continue to work with the panel and those with lived experience as we continue this journey of reform together.

Yours sincerely,

A handwritten signature in cursive script that reads "Bridget Phillipson". The signature is written in dark ink and is contained within a thin black rectangular border.

The Rt Hon Bridget Phillipson MP
Secretary of State for Education