

# Local Government Association response to the DfE consultation 'Corporate parenting, the local offer and personal adviser support'

Date: 27 November 2017



## About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

The LGA welcomes the opportunity to comment on this [consultation](#).

1. The Local Government Association strongly supports the corporate parenting principles within the Children and Social Work Act 2017, and welcomes the opportunity to comment on the draft guidance on their implementation.
2. The Local Offer for Care Leavers and the extension of Personal Adviser support to all care leavers up to the age of 25 are positive steps, and if properly resourced, will help to provide welcome support to care leavers as they move towards independence.
3. Councils are keen to see these new provisions implemented well, providing care leavers with important additional support and advice up until the age of 25. However, we are concerned that this consultation has been launched and will shortly close with no information from government on how these provisions will be funded. We strongly believe that new burdens funding must go beyond simply resourcing councils to provide a personal adviser, and also provide the funding necessary for them to effectively perform their role by providing the additional help and support that care leavers request. Failing to do so will be a significant disservice to some of our most vulnerable young people, providing them with an opportunity to request support that local authorities will have no resources to provide. With councils facing a £2 billion funding gap for children's services by 2020, it is vital that these new burdens are fully funded if government is serious about improving support to our most vulnerable children and young people.

## Guidance on Corporate Parenting Principles

4. **Does the draft guidance provide a clear narrative for local authorities about what the corporate parenting principles mean for local authorities in practice?**
  - 4.1 The guidance is set out clearly, and presenting narrative around each principle separately is helpful. We have outlined a number of areas below

# Submission

where we feel the guidance could include more detail to support implementation.

4.2 It would be useful to include more detail under “how the principles work” about the role of district councils, and how the principles apply to them as non-children’s services authorities to ensure clarity around this role.

4.3 We have recently published Resource Packs for Councillors that help councils to implement the corporate parenting principles and support children in care and care leavers. We believe that these would be useful additions to the “further information” section; they can be accessed at <https://www.local.gov.uk/corporate-parenting-resource-pack> and <https://www.local.gov.uk/support-care-leavers-resource-pack>

**5. The corporate parenting principles apply to looked after children and care leavers. Is there enough content about how the principles apply to both groups?**

5.1 We feel that the guidance is very detailed on care leaver support, and less so for children in care. For example, the “examples of how senior leaders and councillors may champion corporate parenting” on page 11 and the “examples of local authorities helping looked after children and children in care access services” on page 21 are almost entirely focussed on care leavers.

5.2 The section “being safe and having stability” focuses almost entirely on care leavers. There are a range of issues around safety and stability that must be covered for children in care, including:

- Stability of placements, social workers and school places
- Safeguarding policies and identifying and managing risk, including for unaccompanied asylum-seeking children
- Arrangements for reporting and locating missing children, and return home procedures
- The use of independent visitors to provide a stable relationship
- Contact with parents, siblings and other family members
- Safeguarding and supporting children placed out of area.

**6. Is there anything in the guidance that should be amended? If so, what?**

6.1 Paragraph 1.9 asks that Directors of Children’s Services and Lead Members for Children “ensure that relevant partners understand how they can assist local authorities” to apply the corporate parenting principles. While we agree that the support of partner agencies is vital in delivering the principles, local authorities have no powers over other agencies to ensure this. The Children Act 1989 guidance and regulations<sup>1</sup> clearly state that corporate parenting “must be shared by the whole local authority and partner agencies” and emphasises the duty of partner agencies to co-operate. It would be helpful if this stronger language was reflected in the new guidance.

6.2 We agree that corporate parenting principles should shape the mind-set and culture of every part of a local authority, as outlined in paragraph 2.2. However, Table B at Annex 3 lists functions “where corporate parenting

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/441643/Children\\_Act\\_Guidance\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf)

principles will never or hardly ever apply". We believe that this unnecessarily complicates the issue. Removing the table from the guidance would reinforce the duty of all areas of the local authority to have regard to the principles.

- 6.3 We feel that there is too much emphasis on higher education within the "promoting high aspirations" section. University will not be the right option for everyone, and apprenticeships, further training or work are equally positive options that must be recognised in the guidance.

## **7. Is there anything that is missing from the guidance? If so, what?**

- 7.1 The corporate parenting principles emphasise the importance of the voices of children and young people, and we feel this could be strengthened in the guidance. A key question that authorities could be asking themselves about implementing the principles would be "what are children in care and care leavers telling us?" (page 15), while it is also important to ensure that children in out of area placements have an opportunity to have their voices heard (paragraph 4.9) and that the establishment of a Children in Care Council or Care Leaver Forum, while extremely helpful, does not negate the need for feedback mechanisms for individual children too (paragraph 4.10). The roles of Independent Reviewing Officers and advocates in helping children and young people to express their views and wishes should also be included.

- 7.2 There is no mention of unaccompanied asylum seeking children through this guidance. While specific guidance is available elsewhere, this group faces a range of specific challenges including asylum claims, language and cultural barriers, therefore it would be helpful to reference these while linking to other relevant guidance.

- 7.3 The section "acting in the best interests and promoting physical and mental health and wellbeing" should refer to emotional health and the importance of considering the cultural and religious background of the child being placed in care as a further support to developing their sense of identity.

- 7.4 The role of partner agencies would be usefully emphasised under "helping looked after children and care leavers gain access and make the best use of services". As recognised elsewhere in the guidance, the role of partners in delivering the corporate parenting principles is extremely important, for example the provision of mental health support through the NHS, and their support in ensuring access to services is key.

- 7.5 Pathway plans are a key way in which councils can work with young people to prepare them for adulthood and independent living, and should therefore be highlighted at paragraph 4.23.

## **8. Do you have any other comments about the guidance?**

- 8.1 A stronger focus on the role of councillors would be helpful under the "Main Points" at the start of the guidance to emphasise their role alongside that of officers. This could include recommending that "councillors and officers", rather than "local authorities" ask the question "would this be good enough for my child?" (paragraph 1.1), and recognising that the Council Leader as well as the Chief Executive is responsible for a strong corporate parenting ethos (paragraph 3.1).

- 8.2 We would welcome the use of more positive language around children in

care and care leavers. While many will have experienced difficulties earlier in life and may face further challenges, this should not detract from their strengths, or from the fact that they should be treated as individuals rather than a generic cohort. Therefore, while the corporate principles should respond to the “individual needs, vulnerabilities or disadvantages of looked after children and care leavers” (paragraph 2.3), they should also respond to their strengths and talents. Furthermore, the language in paragraph 3.12 could be amended to recognise that care leavers will not always have “faced many challenges in their lives” or be “likely to need much more support” than other young people.

- 8.3 We strongly support the implementation of the corporate parenting principles across local authorities, and feel that the language and examples in some of the guidance could be stronger to support this. On page 11, the example that “senior officers and councillors demonstrate that they care about what happens to their care leavers by taking their corporate parenting role seriously” could be strengthened by outlining what that would involve, while in section 3.9, local authorities need to engage with key organisations, rather than just “think about engaging” with them.
- 8.4 The introduction of the Care Leaver Covenant will be a positive step in engaging partners as part of a wider corporate parenting approach. However, it should be noted that the covenant will only encourage, rather than ‘enable’, organisations to make commitments to care leavers. It would also be helpful to provide an expected date for the introduction of the covenant, information on whether councils will be expected to promote this and if so, how this will be expected to happen and what resources will be provided to support this.

## **The Local Offer**

### **9. Does the guidance at Annex B sufficiently explain the role and responsibilities of local authorities to develop their own local offer?**

- 9.1 The detail within the guidance around the timeline for publication of the local offer is unclear; it would be helpful for this to be clarified. The guidance also states that the Local Offer should be updated “regularly...it will be good practice to do so every year”. If the Ofsted expectation will be an annual update, this should be more strongly stated in the guidance.
- 9.2 The wording in the guidance could also be stronger to clarify the role and responsibilities of local authorities, for example:
- a local offer “should” (rather than “can”) include details of the services and support offered
  - there is (rather than “there is likely to be”) a role for Personal Advisers in sharing and promoting the local offer
  - local authorities should do more than simply “consider” the support available to care leavers to build strong relationships
  - local authorities should “ensure”, rather than “consider”, that the local offer is easily understood by care leavers with additional needs.

### **10. Is the relationship between the seven corporate parenting principles and the local offer sufficiently clear?**

- 10.1 The link between the corporate parenting principles and the local offer is currently unclear, with the areas listed to be covered by the local offer not

relating directly to the corporate parenting principles. It would be helpful to outline the principles in the guidance and highlight how the local offer should demonstrate commitment to those principles.

**11. Do you have any further comments on the local offer guidance?**

11.1 In order to maintain an up-to-date local offer and to publish the offer in a variety of formats as suggested, additional funding will be required to cover administrative and other costs. We therefore require clarity on the new burdens funding that will be provided to cover these costs.

**12. Is the structure and content of the illustrative local offer helpful to local authorities in designing their own offer to care leavers?**

12.1 The illustrative local offer would be more helpfully structured by theme, for example “housing” and “health” rather than by statutory and non-statutory support. This will help care leavers to easily identify the support available for specific issues.

12.2 The guidance also references those young people who are in foster care, but not those in other placements such as residential care, secure units or youth custody. It would be helpful to ensure those young people are clear on any specific support available for them.

**13. Is there any other information that you think should be included in the illustrative local offer?**

13.1 No.

**14. Do you have any further comments on the illustrative local offer?**

14.1 The tone of the guidance could be more positive and collaborative, recognising the vital importance of listening to care leavers. For example, stating that “personal advisers get involved in discussions about your needs” and “your pathway plan is written by the local authority after consultation with you” both imply that the care leaver is on the periphery of, rather than central to, discussions. Additionally, regular references to “the law says we must...” does not fit with the idea of corporate parenting, implying that support is provided only because of a statutory duty, rather than a genuine desire to support the young person. We would urge consultation with care leavers on a revised illustrative local offer to ensure the language is appropriate.

14.2 The offer states that the extension of personal adviser support “is to try to make sure care leavers receive similar support to young adults who live with their families”, however this is likely to raise unrealistic expectations as the extension of the duty applies only to PA support, rather than other services such as housing.

**Extending support from Personal Advisers to all care leavers to age 25**

**15. Does the draft guidance provide a clear narrative that will help local authorities to implement the new duty locally?**

15.1 The guidance is structured clearly, however there are sections that would benefit from a focus on practical guidance rather than narrative. For example the key points within the “policy intention” section are currently unclear, making it difficult to ascertain the main intention behind the policy which does not support local authorities in effectively implementing the

duty.

- 15.2 The scenarios provided at paragraph 26 imply significant support from other areas of the council, but do not identify how this would be funded or what action would be taken where solutions were not so simple to find, for example requiring multiple avenues of support from a variety of agencies or where alternative accommodation could not be quickly found.

**16. Does it clearly explain what the new duty means in practice for local authorities?**

- 16.1 Expectations on local authorities around informing existing care leavers over the age of 21 about the new duty are unclear. We would also request confirmation that new burdens funding will take into account potential demand from these care leavers, rather than just future care leavers.
- 16.2 Paragraph 21 states that a full pathway plan does not need to be completed if a care leaver is only requesting support in one area, for example education and training. However, it is unclear what action an authority should take where the personal adviser believes that the care leaver needs more support than they are asking for; if that young person refuses additional support, the council will be unable to fulfil its corporate parenting responsibilities. The guidance should be clear on what the council should do in this situation to avoid inconsistency and to ensure that Ofsted has a clear framework to assess an authority's actions against.
- 16.3 The guidance states that where care leavers need it, "support will need to be provided in relation to each of the pathway plan 'domains'" (paragraph 23) and notes a range of specific issues that could require support such as mental health issues, risk of homelessness and release from custody. However, paragraphs 7 and 8 are clear that the new duty applies only to the extension of PA support, and not to other departments or authorities. The guidance should therefore clarify how local authorities will be funded to provide this additional support, or what action should be taken where funding is not available.
- 16.4 We welcome the decision not to require authorities to collect and provide data on all 22 to 25 year old care leavers beyond the number that have requested support. This data will be helpful in service planning, but further data would have placed an additional burden upon teams that would have been unlikely to add value.
- 16.5 Paragraph 30 states that there is no requirement to proactively keep in touch with care leavers aged over 21 up to age 25, but goes on to state that the new duty requires local authorities to contact care leavers at least on an annual basis after the age of 21 to remind them of the PA support available, which appears to be a contradiction. If proactive annual contact is to be made, the guidance must clarify the lengths to which authorities should go to find a young person if they have moved, and whether data will be collected on the proportion of care leavers aged 22-25 have been successfully contacted.
- 17. Is there anything further that might be included that would make the guidance more helpful?**
- 17.1 The guidance is missing detail around how the new duty applies to unaccompanied asylum seeking children who were formerly looked-after. Many unaccompanied children who have entered the country in recent years have been older teenagers and will therefore soon be approaching

18; it is important that local authorities are given clear guidance around their responsibilities towards these young people, or directed to other guidance as appropriate.

**18. Do you have any other wider comments about the guidance and its content?**

18.1 It is extremely disappointing that local authorities have been consulted on this guidance without any indication of the funding that will be available to support its implementation. We have significant concerns around the ability of local authorities to effectively carry out their duties towards care leavers if new burdens funding is limited to the extension of personal adviser support. While this support will be of value to those care leavers who request it, it seems disingenuous to present it as a significant offer to care leavers if no funding is available to actually provide the additional help and support that they request.