NAO - Children in need of help or protection

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Author Martin Rogers
LGiU/CSN Associate

Summary
The National Audit Office has published a report *Children in need of help or protection* examining the Department for Education’s progress in improving the system to help and protect children. It concludes that:

‘In 2010, the Department commissioned the Munro review because it considered children’s services were not good enough. Six years later, far too many children’s services are still not Good: quality is generally significantly below par and does not correlate to spending levels, access to help or support is not equal across the country, and interventions to improve failed services have been ad hoc. This represents poor progress. The foundations of a cycle of improvement would involve understanding what works, timely measurement of the quality of protection activity across areas, pointing out poor performance and an effective response that improves services quickly. None of these are yet in place to the extent necessary to improve the services quickly enough.’

The report sets out an account of the demand for help and protection for children; how the system is working in practice; and how the DfE aims to improve it.

The overview the report provides of services for children in need of help or protection means that this briefing will be of interest to all elected members and officers involved in children’s services, but its particular focus will make it especially so to those with a direct engagement in service improvement.

Overview
*Children in need of help or protection* is a report by the National Audit Office (NAO) examining the progress of the Department for Education (DfE or ‘the Department’) in improving the system to help and protect children. It looks at the system from the point where someone contacts a local authority with concerns about a child to the point where the authority makes a child the subject of a protection plan.

In part one, the report examines the demand for help and protection for children: roles, responsibilities and spending on help and protection; the rising demand for services; and why more children need help and protection.

In part two, it examines how the system for helping and protecting children is working in practice: the quality of child protection services; how the process works in local authorities; and the effectiveness of the system.

In part three, it examines how the DfE aims to improve the system: its progress to date; its plans to transform services; and lessons for the DfE in transforming services.
Part one: The demand for help and protection for children

Roles, responsibilities and spending on help and protection

The DfE is responsible for the legal and policy frameworks within which local authorities (LAs) operate. It also works with the Department of Health, the Home Office, the Department for Communities and Local Government, and the Ministry of Justice to address threats to children’s welfare such as child sexual exploitation, radicalisation, and gang culture. It issues statutory guidance which sets out the duty on LAs and their partners (such as the police and health services) to work together to protect children. And it is responsible for:

- providing information to support benchmarking of practice and costs, and local accountability
- setting the framework against which Ofsted inspects LA services
- intervening in a failing LA when Ofsted judges services to be Inadequate because of widespread or serious failures, which leave children being harmed or at risk of harm.

The DfE told the NAO that it has no responsibility beyond formal intervention for improving services, though it supports LAs to improve themselves and test and share good practice through the Innovation Programme and Partners in Practice.

LAs have statutory duties to help or protect all children and young people in their area. LSCBs should coordinate the work of local partners to safeguard children and monitor and challenge the effectiveness of local practice; agree intervention thresholds with the LA and publish a threshold document, including the level of need for referring cases to children’s social care for assessment and statutory services; and check that thresholds are understood and operate effectively.

LAs have reduced their overall spending recently due to a significant decrease in central government funding, but have not reduced their spending on children’s services. They do not report their spending on help and protection services, but do report spending on children’s social work (including child protection). In 2014-15, LAs reported spending £1.8 billion on children’s social work, 11% more in real terms than in 2012-13. This was equivalent to £2,300 per child in need, which is slightly more than in 2012-13 and 2013-14, when it was £2,200. The average reported spending on children’s social work in 2014-15 varied widely across LAs in England, from an estimated £340 per child in need to £4,970. ‘The Department does not know why spending on services varies so much, and has been concerned about the quality of the spending data that local authorities report for some time.’

The rising demand for services to help and protect children

Both the number and rate of referrals to children’s social care have increased in the past 10 years:

- 552,000 referrals (499 per 10,000 children) in 2004-05
- 635,600 referrals (548 per 10,000 children) in 2014-15.

Referral rates also vary widely across England, from 226 referrals per 10,000 children (in York) to 1,863 per 10,000 (in Wakefield). ‘The Department does not analyse or act on different referral rates, even though rates vary so widely across the country. The Department relies on Ofsted inspections to consider whether appropriate referrals are made to children’s social care locally.’
Of the 635,600 referrals in 2014-15: (Totals don’t tally as multiple referrals may lead to one assessment, and one referral to multiple assessments.)

- 87,500 led to decisions for no further involvement with children’s social services
- 550,800 led to ‘section 17’ assessments, of which
  - 403,400 children started an episode of need of social services
  - 146,300 children assessed as not in need
- 160,200 led to ‘section 47’ enquiries (where an LA has reasonable cause to suspect a child is suffering, or is likely to suffer, significant harm), of which
  - 71,400 led to initial child protection conferences, of which
    - 62,200 child protection plans were started.

In the past ten years, the number of section 47 enquiries per 10,000 children has risen by 124%, and the number of children starting on child protection plans per 10,000 children has risen by 94%. In 2014-15, 17% of children on a child protection plan became the subject of a plan for a second or subsequent time (up from 13% in 2010-11); this percentage varies across England, from 3% (in Havering) to 44% (in Rutland).

At 31 March 2015, 391,000 (3%) children under the age of 18 were assessed as being in need of help or protection – 4% more than on 31 March 2010 (in line with the increased population). The total number of children counted as in need across the year (i.e. existing, closed and new cases) rose by 13% between 2009-10 and 2014-15, from just under 695,000 to over 780,000. The rate of children in need varied across England from 291 per 10,000 (in Wokingham) to 1,501 per 10,000 (in Blackpool).

There are several reasons for a rise in the number of children needing help or protection:

- the child population increased by 550,000 (5%) between 2010 and 2014
- high profile cases can lead to more people reporting concerns
- the most common risks in 2014-15 were domestic violence (flagged in 48% of assessments) and mental health concerns (about the child or family members – 33% of assessments); both are growing in number.

The government and LAs are becoming more aware of a broader range of threats to children’s welfare (e.g. radicalisation, child sexual exploitation and gang culture) which, although still relatively rare, are expected to lead to an increase in cases in future.

**Part two: How the system for helping and protecting children is working in practice**

**The quality of child protection services**

Ofsted began inspecting LAs' children's services under the ‘single inspection framework’ (SIF) in November 2013, one of the judgements in which is on the experience and progress of children who need help and protection. The complete cycle of 152 inspections was originally due to be completed by November 2016, but this has been extended to the end of 2017; by 25 August 2016, Ofsted had published SIF reports on 103 LAs. (This means that there will have been a long gap between inspections for some LAs.)

Services to help or protect children have been judged Good in only 23% of those 103 LAs, with 57% judged Requires Improvement and 20% Inadequate. [No authority has yet been judged Outstanding for these services.] ‘The systemic weaknesses in help and protection services
identified by Ofsted are not typical of education services and other areas of children’s services overseen by the Department. Help and protection services for children lag far behind schools and children’s homes for services judged Good.’

‘Ofsted has reported that Good help and protection services are not related to local levels of deprivation, number of local children, or region. Our own analysis found no correlation between local authorities’ spending on children in need and the quantity and quality of their services. Research does however show that children living in the most deprived 10% of neighbourhoods in England are 11 times more likely to have a child protection plan than children living in the least deprived 10%. We also found no relationship between Good help and protection services and the rate of re-referrals, repeat child protection plans and no further action taken on referrals. All this supports Ofsted’s view that, regardless of local context, providing services judged Good is possible and a standard that any authority can achieve and maintain.’

How the process works in local authorities
Both the DfE and Ofsted have identified factors that affect performance in LAs:

- the quality of social work practice and leadership
- the overall system’s ability to learn effectively from good practice and from mistakes
- the management of referrals and assessing children’s needs
- effective local partnership working and information sharing.

NAO found a relationship between the levels of social workers’ caseloads, temporary staff, vacancy rates and Ofsted judgements. Ofsted has reported that caseloads vary from seven to 34 children in need per social worker across England (with a range of about 10 to 14 in most LAs judged Good). It also found that some LAs were increasing spending to recruit more social workers to reduce caseloads, or to offer incentives to attract permanent staff.

Learning from good practice
The report comments on the difficulty for social workers (and others) finding out what works, and lists a number of sources of good practice (eg. benchmarking tools such as the LA Interactive Tool and Local Government Inform, LA practice sharing and peer review, Ofsted reports and ‘getting to good’ seminars, evaluation reports from the DfE Innovation Programme and SCRs).

Local authorities judged Good may support those judged Inadequate or Requires Improvement, but there is a real capacity constraint on this – not helped by the regional distribution of Good LAs (in three regions – East of England, south-west England and West Midlands – help and protection services are judged Good in only one LA).

In response, the DfE introduced the Innovation Programme in 2014; announced that 11 LAs would become Partners in Practice; and is launching a What Works Centre for social work.

Managing referrals and assessments
Managing referrals should include clear protocols for professionals working with children, and clear signposting so that people know who to contact to request information, to provide information about a child, or to request help or protection services (make a referral). In some areas the LA is the first point of contact, and in others it may be a Multi-Agency Safeguarding Hub (MASH) or similar. ‘However, it is not clear which arrangements work best, how much they cost and whether they deliver value for money.’

It is not possible to say how many contacts LAs receive as they are not required to count them, but ADGS told the NAO that from its data collection it estimates that in 2013-14, LAs received 2.3
million contacts (up 65% since 2007-08), of which 660,000 became referrals. Ofsted estimates that an LA receiving 200 referrals a month may also receive 1,000 contacts that do not lead to referrals – but still require a response (if only to direct the caller to another service). On average, LAs take 28 working days to make an assessment and decide on next steps after receiving a referral – for which they are allowed up to 45 working days in statutory guidance.

To manage referrals and assessments each LSCB should agree thresholds with local partners, which set out clearly the acceptance criteria for interventions, to which all local agencies should work. ‘Without clear thresholds for services that all professionals understand and apply consistently children are unlikely to receive the right help at the right time.’ Ofsted has found a number of shortcomings in weaker LAs, including a lack of common understanding or application of thresholds; thresholds set too high or too low (resulting in children in not being referred to social care, or being referred inappropriately); and thresholds not being accepted by partners, leading to inappropriate referrals or children left at risk.

If children referred to social care do not get the right assessment and help as soon as possible, they are likely to be re-referred into social care and may suffer further harm. In 2014-15, 24% of referrals related to children already referred in the previous 12 months (little changed over the last four years). The percentage of re-referrals varied across England from 6% (in Havering) to 46% (in Wakefield). There will always be a need for some re-referrals, but large discrepancies between LAs should be examined and practice challenged. ‘The Department collects and publishes data on re-referrals, but does not know why the differences are so great. The Department wants to see the re-referral rate fall over the course of this Parliament. The Department does not analyse or act on different re-referral rates, even though rates vary so widely across the country.’

‘The way in which local authorities and their partners apply thresholds and manage contacts and referrals, affects the costs of helping and protecting children. The Department recently commissioned consultants to examine such costs and how and why they varied between authorities. The consultants carried out case studies in four authorities and identified three potential areas for improving the cost-effectiveness of child protection. These were: reducing ‘inappropriate’ contacts and referrals from partners through clear and well-communicated safeguarding thresholds; ensuring accurate decisions are taken as early as possible; and reducing the time spent on simple contacts and increased use of administrative support. The consultants identified potential savings of up to £50 million a year from making these improvements. However, the Department told us that as there were only four case studies it could not guarantee the robustness of the findings and research was ongoing as part of a wider programme of government work in this area.’

Local partnership working and information sharing
Despite clear statutory guidance in Working together to safeguarding children, the NAO found examples of a need to improve partnership working and information sharing, including within central government. For example, the child protection taskforce is an example of government departments coming together to tackle child abuse – but the DfE has led on much of its work, with little sign of other departments playing a role and working together; and key local partners do not always provide timely information, or attend meetings and case conferences. However, the NAO also found good practice in partnership working.

The effectiveness of the system
‘The Department collects information on the number of referrals, assessments and child protection plans, and on the timeliness of processes, such as how long an assessment takes, or a plan lasts.
There are few proxy measures of the effectiveness of the system which include data on re-referrals, the proportion of children needing repeat child protection plans, and the percentage of referrals resulting in no further action … There are no national data that track children in need nor measure whether the services they received helped to keep them safe or improved their well-being. Local authorities record the risk factors to children when they are assessed, but when they close a case, they do not record whether or how well the risks identified have been managed. Re-referral rates may indicate how sustainably risks have been addressed. There are limited data on outcomes for children in need, such as on teenage pregnancy or mental health, although the Department reports educational outcomes for children in need using data from the national pupil database … Working together to safeguard children states that effective services are ‘based on a clear understanding of the needs and views of children’. However, from our review of research and our own focus group with children we found that children considered that they were not always listened to, seen frequently enough by professionals, or asked for their views.’ (Though, again, the NAO did find examples of good practice in LAs to capture the child’s voice.)

Part three: How the Department aims to improve the system

The Department’s progress to date

Despite much reform over many years (often in response to individual tragedies), in 2010 the Department considered some fundamental problems remained, and commissioned Professor Eileen Munro to review the child protection system in England. The Munro review (published in May 2011) recommended that regulation and prescription should be reduced and the child protection system should focus on the needs and experiences of individual children; it made 15 recommendations to government, most of which were accepted in full, with timescales set for implementation. A progress report from Munro in May 2012 welcomed the changes being made, but called for faster progress and more attention to how the recommendations linked together.

‘Our analysis of the Department’s progress is that it has implemented many of Munro’s recommendations … However, some recommendations were implemented a year or two later than originally planned … Overall, six years after the Munro review was commissioned, Ofsted judges that fewer than one in four local authorities’ services for children in need of help or protection are Good … In 2012-13, Ofsted conducted child protection inspections in one third of local authorities where it had the highest level of concern. The methodology for these inspections was comparable to that for ‘help and protection’ under the current single inspection framework. For the 32 local authorities inspected under both frameworks, the judgement for 16 had improved, 13 had remained the same and three had declined. The Department considers Ofsted results show its reforms are having an impact.’

The Department’s plans to transform services

This section outlines the DfE’s ‘change of gear’ since 2014, when the (then) Prime Minister set up a new child protection taskforce and announced the government was strengthening its approach to intervention in children’s services. In July 2016, the DfE published a strategy to transform children’s services Putting children first … (see Related briefings), out of concern about continued inconsistency in the quality of work with children and families.

‘The Education Select Committee has voiced concerns about the continuous transformation in children’s social care over recent years without the necessary time to reflect, assess and embed new reforms. In July 2016, the Committee recommended that the government should publish a single national plan for implementing both new and previous reforms with clear expectations for
The plans announced by the DfE in July 2016 are structured around three areas: people and leadership; practice and systems; and governance and accountability. Key features of its plans include:

- two fast track graduate training programmes for social workers
  - Step Up to Social Work – LA participation has increased from 42 in 2010 to 103 in 2016; a 2013 evaluation found that LAs valued the programme, and believed it had generated a significant group of highly capable and committed new entrants
  - Frontline – based on Teach First, it targets ‘high-flying’ graduates; an evaluation in 2016 found that although too early to assess the impact on outcomes for children and families, the initial evidence was mostly positive
- further professional standards for social workers and a specialist regulator for social workers in England (NAO plans to return to social work reform in a future study)
- the Innovation Programme – to support LAs and others to try new approaches and share approaches best practice; by June 2016, the DfE had provided £110 million to 53 projects
- What Works Centre – the DfE expects to launch the centre at the end of 2016; it is to include learning from the Innovation Programme, Partners in Practice, Ofsted, serious case reviews, academic research and other sources. The DfE has set aside a budget of £20 million over four years, but hasn’t let any contracts so far. (The Youth Justice Board launched a new online resource for youth justice professionals in June 2016 to share resources and disseminate effective practice, which may provide a useful example for the DfE.)
- using data to improve practice
  - ‘The Department has a role in supporting local accountability by improving transparency. However, without accurate, complete and comparable data about, for example, the cost of help and protection services, it cannot provide information to support benchmarking or assess value for money.’
  - ‘Despite the wide variation in local authorities’ reported spending per child in need, it is not clear what influences costs. For example, the data is not detailed enough for the Department to identify what authorities spend on help and protection, just the wider category of social work. The Department cannot explain the differences in spending between authorities on social work and has concerns about the quality of the data reported by authorities. There is a lack of consensus among authorities on how to cost services and complete their spending returns.’

Governance and accountability

‘The Department wants to make sure that what it is doing with local authorities is working. The Department is also supporting the development of innovative organisational models for children’s social care such as trusts, including within devolution deals, so as to improve services … [and] is...
The Department has the power to intervene in children’s services if a local authority is failing in any respect to perform its functions to an adequate standard (or at all). In December 2015, the Prime Minister announced the government was strengthening its approach to intervention, as in the past children’s services had been taken over on an ad hoc basis with no clear national response to failure. This stronger approach included plans to remove the control of services from any authority that had persistently or systemically failed and did not have the capacity and capability to improve itself in a reasonable time frame and bring in high-performing local authorities, experts in child protection and charities to deliver the services.’

The NAO has drawn up a list of expectations for an intervention to be effective, and assessed the DfE’s approach against them:

- an outward-looking culture and mindset; prepared to challenge local performance, using intelligence and external evidence (e.g. inspection findings)
  - DfE has set out grounds for intervention; uses Ofsted findings
- mechanisms to get early warning of emerging risks to performance and reputation that may require action
  - only intervenes if Ofsted rates services as inadequate; does not use leading indicators; knows when to act if problems are reported
- authority (contractual or legal) to terminate the activities of a local provider that cannot meet its obligations
  - has the right to intervene
- clarity about who is responsible for intervening, the criteria for intervention and what intervention is appropriate (and contingency plans for the event of service provider collapsing)
  - looking to improve its intervention performance over time, and to measure the impact; since 2001, 34 LAs have come out of intervention and not returned
- knowledge of what works and the capacity to bring about that change
  - may face a challenge over having the capacity and capability, but has a network of advisors it can call on; issues around skills and capacity to respond within the Department and among LAs
  - Department knows strong leadership required to improve performance, and makes judgement on whether an inadequate LA has this – otherwise, it will secure capacity and capability by transfer of services to an independent trust
  - still learning what type of interventions work best, and recognises this may take time – especially in the case of the trust model.

The DfE wants LAs judged inadequate to make progress within six months of Ofsted publishing the report, but the Institute of Government suggests that failure can get worse before it gets better, although intervention can lead to improvements in the long term. For example, a judgement of inadequate can have an immediate negative effect, especially on staff recruitment and retention, but brings problems into the open and spurs action.

‘The Department is still learning about what works best and leads to improvements and what it costs. A 2016 internal audit review on the Doncaster and Slough children’s trusts, concluded that...
the Department’s setting up of the trusts could have been better value for money. While the Department had not exceeded overall forecast spending on the trusts (about £3 million each), a significant proportion of spending on set-up costs had been on external consultants’ fees (due diligence, legal services and executive search). Internal audit said that improvements in project, cost and knowledge management arrangements could make setting up of trusts cheaper in the future.

‘As at September 2016, the Department was intervening in 26 local authorities. We calculated that 20% of children in need in 2014-15 lived in local authorities that were in intervention. This excludes authorities not yet inspected by Ofsted since November 2013, under its new inspection framework. Since May 2010, 34 local authorities have come out of formal intervention and not returned (see Related briefings). These authorities came out of intervention because Ofsted had re-inspected services and found them to be Good or Requiring Improvement. For these 34 authorities, the period of intervention was just over two years on average and ranged from 335 days to 10 years.

‘The Department faces some significant challenges in transforming children’s services, but it has accepted that it needs to do more to improve services, given the current inconsistency in the quality of services across England. In June 2016, the Department also announced its broader plan to introduce a new operating model for the organisation by the end of 2017, so it has the right skills, capacity and capability (and the data and systems) to meet its objectives, including for children’s services.’

The report ends with a list of lessons for major service transformations, (from an NAO briefing of that title), including:

- transformation programmes raise the greatest risks of failure
- set realistic goals and be honest about what really matters
- policy development must take account of implementation
- avoid temptation to score benefits early, but identify tangible short-term gains
- recognise the (senior) organisational cost of transformation
- learn from user engagement; use an incremental approach (test and learn, not big bang)
- set out clear decision making and challenge: what to prioritise (intrinsic to objective) and what to compromise on (desirable, but not essential).

The NAO concludes that:

‘In 2010, the Department commissioned the Munro review because it considered children’s services were not good enough. Six years later, far too many children’s services are still not Good: quality is generally significantly below par and does not correlate to spending levels, access to help or support is not equal across the country, and interventions to improve failed services have been ad hoc. This represents poor progress. The foundations of a cycle of improvement would involve understanding what works, timely measurement of the quality of protection activity across areas, pointing out poor performance and an effective response that improves services quickly. None of these are yet in place to the extent necessary to improve the services quickly enough.’

Comment

This report provides a valuable oversight of services for children in need of help or protection, and raises a number of important and troubling issues. Briefly, these are: ongoing failure (in many areas) to secure effective operation of thresholds for referral; the wide variation in average spend...
per child on children’s social work (and corresponding concern about the quality of the data); the extraordinary variation in referral rates (and corresponding failure to analyse the cause, or take action on it); the wide variation in the rate of section 47 enquiries (and the sharp increase); the wide variation in the rate of children in need; the low proportion of LAs judged good or better by Ofsted (and the corresponding high proportion of children living in LAs subject to intervention); the apparent lack of correlation between LAs’ spending and the quantity or quality of services; the lack of understanding about which arrangements (e.g. MASHs) work best, at what cost and with what value for money; the lack of data on children in need, and whether the services they receive improve their wellbeing; and young people’s persistent opinion that their views are insufficiently taken into account.

The DfE comes in for major criticism for its past failures to ‘get a grip’ of the system, and there are warnings and recommendations about how it should proceed with its current plans. But LAs are clearly also responsible for an apparent lack of curiosity about the issues raised, and a failure to address them effectively. The major task that still needs to be done to improve service effectiveness will not be helped by the continuing pressure on resources; and LAs are to be congratulated for maintaining the level of spend on children’s services to the extent they have, but the need for a better understanding of the anomalies identified in this report is obvious.

External links

NAO: Children in need of help or protection
NAO briefing: Lessons for major service transformations

Related briefings

DfE Policy: **Putting children first** (August 2016)
Social work reform – Commons Education Committee (August 2016)
DfE and DH policy – Regulating Social Workers (August 2016)
Social Care Annual Report 2016 – Ofsted (July 2016)
Ofsted: consultation on the future of children’s social care inspection (July 2016)
Wood Review of Local Safeguarding Children Boards (LSCBs) and DfE response (June 2016)
DfE Policy: Adoption: A vision for change (April 2016)
Ofsted consultation: re-inspection of inadequate LAs (February 2016)
Children’s social care reforms – Government plans (January 2016)
Children in need: Joint Targeted Area Inspections framework (January 2016)
Children’s services: update on DfE Improvement Notices and Directions (December 2015)
Ofsted and DfE consultations: area multi-agency child protection inspections (July 2015)
Making the education of social workers consistently effective – DfE report (February 2014)
Children’s services: DfE Improvement Notice and Directions (October 2014)
New integrated inspections of services for children etc – Ofsted consultation (July 2014)
Ofsted inspection of children in need, looked after children, care leavers and LSCBs (Nov 2013)

For further information, please visit [www.lgiu.org.uk](http://www.lgiu.org.uk) or email john.fowler@lgiu.org.uk

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