



Prof Ray Jones
Chair
Independent Review of Children's Social Care Services

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Dear Ray,

I am sure you are well on the way to completing your report, but Lorna and I thought it would be useful to follow up once more after our engagement with you and the Review over the best part of a year. We definitely don't want to add a large amount of detail to what has already been said but rather follow up on your challenge at the last Voluntary and Community Sector meeting to be clear about the priorities and any areas where we think you may not be getting it right.

We think that Lorna's letter to you of 14 December 2023 still stands as a good reflection of Action for Children in Northern Ireland's views. Reflecting on the engagement and thinking over the past months, including the summaries of your own thinking, these seem to us to be the key points in terms of where we are now.

1. A single agency

Our view is that the proposal for a single NI children's agency along the lines of Tusla is the way forward. This has sparked a discussion about whether an Arm's Length Body (ALB) is the appropriate approach. Our concern is that this discussion has rapidly become about legal and administrative structure and somewhat avoided engagement with whether the central idea is sound. There does seem to be a difference between how ALBs are set up in England and Northern Ireland. It does appear that in Northern Ireland ALBs continue to be creatures of their sponsoring departments. Ultimately the correct vehicle for such an organisation must be some form of independent statutory agency, accountable to a Department and the Assembly, but able to use its powers independent of government. It would also have the organisational freedom in day to day running that you have correctly recognised the need for. The problem is that without functioning government in Northern Ireland that is not possible and would take considerable time. Given how dire the current state of children's services is it is reasonable to ask if a quicker and more pragmatic 'legal entity' solution can be found,

with a longer term goal of moving the agency created to full independent statutory agency status in the future. As an initial step it is vital to get existing children's services within HSC Trusts into a separate functioning entity. As the discussion has gone on and the scoping has started it is clear that there is considerable scepticism and resistance to this level of change. As you know this is a view I shared when I first spoke with you – while I thought this would be the best arrangement, I also thought the change process would take so long that the desired improvements for children would not be seen in an acceptable time frame. Our view is that the system is now so broken that only this level of change will result in better outcomes for children and families. The worry is that without a minister and an Assembly to direct and drive change we may end up with trying to do running repairs on a system that was designed for another time. There is also a danger that the discussion is already becoming less public and retreating into a statutory/departmental space.

2. What to include?

It is vital to learn from the Tusla experience which does mean including a wider remit of services (education welfare, Sure Start, youth justice, voluntary & community sector funding) in the mix to avoid a retreat into being a child protection agency.

3. Early help and family support

The only way to arrest the growth in child protection and children in care numbers is through a reinvestment in early help and family support. We agree with you that the development of Sure Start, strengthening both its family support and community development profile, is the way forward, and this is why control should move from the Department of Education to the proposed children's agency. Last week Belfast Outcomes Group shared data with members that showed family support hub referrals, gateway referrals, child protection registrations and children in care mapped against ward area. It was very instructive not least because one ward has 5% of its children in care. Even a cursory view of the data suggested that areas that had Sure Start, family support hubs, Neighbourhood Renewal and health action zones in combination were faring better. This underlines that the new agency must be set up in a way to forge strong partnerships with local councils and that how the Public Health Agency funds services needs to be reviewed, including whether it is the right agency to spend these funds.

4. Gateway

I know you have suggested retaining Gateway but I am unclear what the argument in favour of this would be. It was seen as the solution to a referral crisis of the 2000's but it has never delivered what was promised. Like a number of recent reforms it drew social workers away from community/locality based family support teams and all it seemed to do was push the demand downstream, for a time hiding it in what became

the family intervention teams. In the 1990s and coming into the 2000s what was needed was a split between teams working long term with children in care and teams focused on shorter term work which would include referrals, investigation, taking children into care and ensuring access to family support. Your analysis is right that all we have done is build a child protection system when we should have continued to invest in early family support. I think that children's services teams (and their managers) receiving referrals, need to know their area and the families, backed up by strong IT systems that enable information to be shared. The remote Gateway model has not worked.

5. Shared boundaries

As you know I am a veteran of the Review of Public Administration process and have followed it closely over the years. I still think there is a missed opportunity in the Review by mapping the sub regional level of a new children's agency against the existing health/Trust structure. I agree that the councils are too small to map Director posts against them i.e. have 11 Directors. Another option might be to go to a 6 Director model at the sub-regional level, with a Director for Belfast and then each of the other Directors' patches being co-terminus with two local councils (e.g. Lisburn & Castlereagh with North Down & Ards; Newry City, Mourne & Down with Armagh, Banbridge & Craigavon; Mid & East Antrim with Antrim & Newtownabbey; Causeway Coast & Glens with Mid Ulster; Derry & Strabane with Fermanagh & Omagh – or for discussion Derry & Strabane with Causeway Coast and Glens and Fermanagh and Omagh with Mid Ulster). This really would align much more readily with Community Planning, enhance local accountability, and create opportunities for better use of voluntary & community sector resources and access the additional funding they bring. A worry is that while following current Trust boundaries looks pragmatic it may not go far enough to shake off the health agenda and priorities.

6. Voluntary and Community Sector funding

As you are completing your report, funding in the sector is going through an unparalleled crisis in which current and long-term political instability has combined in a perfect storm with austerity, Brexit, cost of living and a funding/commissioning/tendering system that has been undermining the sector for decades. Services and infrastructure are being lost as I write and will negatively impact a Trust system that is already overwhelmed. There are now no quick fixes to this, but it does emphasise the need for an Executive and an Assembly plus multi-year funding packages. Interestingly, in the midst of the funding crisis, Belfast Trust was able to confirm funding and an uplift to community partners for 2023/24 while other Departments have withdrawn or have only extended to June. This may support the suggestion that an independent children's agency spending its own budget would be more effective at commissioning directly from the voluntary and community sector.

7. Fostering

You did pose the question as to whether Northern Ireland needed as many independent fostering agencies. From recent conversations it is clear that the Trusts are unable to recruit. The fact the independent agencies pay a fee is undoubtedly a factor. But so too is ethos of the agencies and size does play a factor. Feedback from our foster carers is clear. They feel they receive a high level of support and feel that everyone knows who they are, including the admin team. I have a fostering social worker who recently joined us from a Trust. She had new foster carers who had just received two children who displayed high levels of distress and we had insufficient background information from the placing Trust. She said that if she had been in the Trust the placement would have broken down. She added that in the Trust she could see what needed to be done but never had the time to do it because of high case and workload. The difference was that she had the time to give the intensive support that was required. There is a big difference between Trust and independent fostering services, and there are significant differences in approach and financial model between the independent agencies. Foster carer choice of agency is another significant element to be considered in regional recruitment strategies/planning.

8. Private equity

You have rightly warned against the dangers of using agencies controlled by private equity as a solution to the lack of supply in the system. My continuing concern is that demand is overwhelming and that despite repeated warnings and the examples from England, the system here has not fully absorbed that message. If it had it would be moving quickly to reform the funding of voluntary and community sector providers.

9. Fragmentation and disconnection

You have had ample opportunity to observe, and have described, the fragmentation and disconnection across departments, agencies and the voluntary & community sector. By way of example, I sit on the Adoption and Children Act Stakeholder Group where the Departmental implementation team engages with the voluntary and community sector. The current financial crisis means that implementation around post adoption support and leaving care is uncertain because budgets are unconfirmed. Directors of Children's Services are also concerned that there isn't the workforce for the potential new posts to be created and, like the multi-disciplinary teams in GPs, they would draw staff away from already struggling core services. The Departmental team began to wonder if the voluntary and community sector could be a target for commissioning some of these services. This provoked considerable consternation from the sector, who felt it would have been more helpful to have been considered from the

start and that policy was running in opposite directions – wanting to use the sector to deliver services while at the same time cutting funding and unravelling infrastructure. It highlights how policy and legislation is being developed without sufficient input on implementation from those with experience of organising, operating and delivering services. A difficulty that the Trusts have is that even if you gave them £5 million tomorrow to increase and improve services, they would be unable to spend it – there isn't the workforce to employ, tendering will be too slow and top slice the funding through transaction costs, and the voluntary and community sector is unravelling. Stabilising the current crisis and acting strategically for the medium to long term calls for collaboration between Trusts, other statutory partners and the voluntary and community sector. Even with the crisis as serious as it is now across children's social care, and with the work of this Review to date, it is difficult to see how the response and the dialogue has moved meaningfully outside the statutory space.

10. And not forgetting

Poverty and housing fall outside the scope of the Review but they must be addressed in parallel, and governments always need reminding of the transformational impact of action in both areas. You have correctly noted the ongoing impact of the Troubles, and the presence in some communities of controlling paramilitaries/criminal gangs which are a legacy issue. And then there is disability. The cuts across departments are hitting children with disabilities and their families hard, and lockdown showed us how bad it can get for these families when they don't have access to the services they need. The scale of the need and the systemic issues for children with disabilities almost feel like they require a separate review.

I hope this is helpful as you pull the Review report together. We have been impressed by the energy and engagement you have brought to the Review process. You definitely didn't wait until the end and have been influencing, challenging, recommending and stimulating debate. This is good. We have certainly been grateful for your engagement with Action for Children. We look forward to reading the report and will continue to press for reform and improvement in children's social care services.

Yours sincerely,



Avery Bowser
Director of Service Development