

Children's rights statement

May 2022



**The independent review
of children's social care**

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Introduction and approach

- 1) The review made a commitment to conduct an assessment on the impact its recommendations could have on children and young people. A Children's Rights Impact Assessment (CRIA) is a tool generally used by government and decision makers to determine the impact of agreed policy. The review has not been able to conduct a full impact assessment because government will have significant scope to implement the recommendations in any way it chooses, but this document attempts to give our initial view of the impact of our recommendations, assuming they were implemented in the way we set out.
- 2) Conducting an impact assessment on children's rights has never been attempted by an independent or government led review and the review has produced this statement in an attempt to be transparent about the positive, as well as any potentially detrimental impact, each major recommendation could have on children's rights, and set out potential mitigations where detrimental impacts are possible. When implementing the recommendations set out in the report, government should complete a full impact assessment of children's rights (and equalities). This should be done in consultation with stakeholders, children and families.
- 3) This statement has been prepared with consideration of the four general principles in the United Nations Convention on the Rights of the Child (UNCRC)¹ and the 54 Articles of the Convention.² An analysis of the potential impact of the review's recommendations follows. This document should be read in conjunction with the final report where the recommendations are set out in full.

¹ [Four principles of the Convention on the Rights of the Child: UNICEF - https://www.unicef.org/armenia/en/stories/four-principles-convention-rights-child](https://www.unicef.org/armenia/en/stories/four-principles-convention-rights-child)

² https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf

Children’s Rights Statement

Chapter 2: A revolution in Family Help

Recommendations	Likely impact on children’s rights	Potential negative impact on children’s rights and proposed mitigations
<p>Chapter 2: A revolution in Family Help</p> <p>Recommendations in this chapter will provide a fundamental shift for families who need help, so that they receive more responsive, respectful, and effective support.</p> <p>Recommendations include:</p> <ul style="list-style-type: none"> renewing the statutory framework for helping families by introducing one category of “Family Help” that reclaims the intention behind section 17 of the Children Act 1989 and replaces targeted early help work and child in need work a clearer national definition of eligibility for support and a non- 	<p>The recommendations will provide families facing difficulties with a much higher level of meaningful support.</p> <p>Support has the primary aim of improving children’s lives and acting in their best interests (Article 3 <i>best interests of the child</i>), by supporting the whole family (Article 6 <i>life, survival and development</i>). By supporting families, we will help more children staying safely at home in a stable, safe loving environment (Article 9 <i>separation from parents</i>).</p> <p>By addressing the causes of harm to children (such as domestic abuse and parental ill health) we will reduce the likelihood of children experiencing significant harm (Article 19 <i>protection from violence, abuse and neglect</i>).</p>	<p>The policy aim of keeping children at home needs to be carefully considered alongside management of risk. It will not always be the right option to keep children at home. If the recommendations were not properly implemented then children could be more likely to experience significant harm or grow up in an environment that does not support their development (Article 6 <i>life, survival and development</i> and Article 19 <i>protection from violence, abuse and neglect</i>).</p> <p>This is why it is critical that Family Help is implemented alongside improvements to the child protection system that are described in the next section to ensure that the system is able to recognise where children are at risk of harm.</p>

<p>stigmatising way for families to access help</p> <ul style="list-style-type: none"> • a clearer national definition of eligibility for support and a non-stigmatising way for families to access help • multidisciplinary neighbourhood Family Help Teams based in community settings that families know and trust • national direction on the outcomes, objectives and best evidenced approaches that Family Help should use • targeted funding, combined with improved accountability for local authorities and partners • specific recommendations to improve the experience of children with disabilities, including the Law Commission to review Children's Social Care Disability Legislation 	<p>Help will be offered to families who have had children removed, including supporting reunification (Article 10 <i>family reunification</i>).</p> <p>Our recommendations aim to make it easier for families of children with disabilities to access support and improve their experiences (Article 23 <i>children with a disability</i>).</p> <p>Support will be aimed at improving the family environment as well as directly supporting children, including addressing the impact of deprivation (Article 26 <i>social security</i> and Article 27 <i>adequate standard of living</i>).</p>	<p>There is also a risk that if the policy is poorly implemented, that designing a service that is focused on supporting the whole family may not recognise the best interests of the child (Article 3 <i>best interests of the child</i>).</p> <p>This is mitigated by the fact we have emphasised the foundation of Family Help as the Children Act 1989, which sets out the paramountcy principle that children's best interests are the first and paramount consideration. Section 17 of the Children Act 1989 emphasises the need to ascertain and give due consideration to the wishes and feelings of children. It also emphasises the need to promote the upbringing of children by their families, as far as it is consistent with safeguarding and promoting their welfare.</p> <p>There is a risk that local authorities might become more reluctant to remove children from their families, even when they are not safe, if benchmarking or funding of this policy is based on blunt measures or they are worried that having "too many" children in care will have a detrimental impact on inspection</p>
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		<p>outcomes linked to the quality of the Family Help service.</p> <p>The mitigation to this risk is bringing together a National Reform Board and National Practice Group to support with the development of the National Children's Social Care Framework and to monitor the impact on the system. These groups will promote continual learning, to ensure there are not unintended consequences, and where any arise, that they are corrected swiftly</p>
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Chapter 3: A just and decisive child protection system

Recommendations	Likely impact on children’s rights	Potential negative impact on children’s rights and proposed mitigations
<p>Chapter 3: A just and decisive child protection system</p> <p>Recommendations in this chapter – alongside wider recommendations on Family Help, workforce skill and system improvement – will prevent more children from experiencing significant harm.</p> <p>Recommendations include:</p> <ul style="list-style-type: none"> • an expert child protection response • improving multi-agency contributions to child protection • a bespoke and better aligned approach to extra familial harms • improving information sharing • improving parental engagement in child protection • improving the quality and consistency of judicial decision making and improving parents 	<p>The package of recommendations in this chapter, including a more expert child protection response, improving multi-agency contributions and improving information sharing, will all contribute to a child protection system that is better able to keep children safe and support their best interests (<i>Article 3 best interests of the child and Article 19 protection from violence, abuse and neglect</i>).</p> <p>Recommendations to improve the response to extra familial harms through better support and more coordinated multi-agency action will help to reduce the instances of children experiencing these harms (<i>Articles 33 drug abuse, 34 sexual exploitation, 35 abduction, sale and trafficking, and 36 other forms of exploitation</i>).</p> <p>Our recommendations to set out clearer expectations for partnerships about extra familial harms include a greater emphasis</p>	<p>Implementation of all recommendations on the child protection system must be undertaken with care so that there is no disruption that inadvertently makes the system less safe (<i>Article 19 protection from violence, abuse and neglect</i>). This can be mitigated through a well-planned implementation approach.</p> <p>Parental representation if not implemented properly could lead to children’s voices being given a lower status in proceedings and therefore decisions less likely to be made in their best interests (<i>Article 3 best interests</i>). This is mitigated by our recommendations to strengthen child advocacy, through a truly independent advocacy service for children in public law proceedings and children in care. The role of the judiciary to make decisions in the best interests of the child, in line with the paramountcy principle remains.</p>

<p>understanding and engagement with proceedings</p>	<p>on police and social care taking decision in the round about what happens when young people are involved in crime, putting their best interests at the centre (Articles 3 <i>best interests of the child</i>, 37 <i>inhumane treatment and detention</i>, 40 <i>juvenile justice</i>, and 24 <i>health</i>). Recommendations on better alignment of the youth justice system (including integrating youth offending and child in need plans and bringing responsibility for youth justice policy to the Department for Education) will enable better support for children in contact with the justice system (Article 36 <i>other forms of exploitation</i>).</p> <p>Greater parental engagement through the decision making and court processes will improve their understanding of the risks and relationships with professionals, leading to better outcomes for children, this will enable more children to remain safely with their families (Article 9 <i>separation from parents</i>).</p> <p>Courts will have access to transparent data and better learning to improve the quality of decisions made in courts. Better decisions mean fairer outcomes that are more representative of individual</p>	<p>Encouraging the sharing of information about children for the purposes of safeguarding, may conflict with children’s right to privacy (Article 16 <i>right to privacy</i>). However, our recommendations emphasise the need for a clear legal underpinning for all sharing of information and the involvement of legal specialists in any technological improvements, and so no sharing of information should be arbitrary or unlawful.</p>
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	circumstances and ensure that a child's rights and interests are best served (Article 3 <i>best interests</i>).	
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Chapter 4: Unlocking the potential of family networks

Recommendations	Likely impact on children’s rights	Potential negative impact on children’s rights and proposed mitigations
<p>Chapter 4: Unlocking the potential of family networks</p> <p>Recommendations in this chapter will ensure more children can remain safely within their family network. The proposals aim to support children to retain a strong sense of identity, culture and place, and loving relationships throughout their lives.</p> <p>Recommendations include:</p> <ul style="list-style-type: none"> • establish family group decision making as a family’s legal right • create a new arrangement to support and oversee care from wider family networks • ensure families get the financial and practical support they need to care for children • help kinship carers get access to legal advice and guidance • provide support for kinship carers of all types in their local communities 	<p>Parents, children, and families will be part of a collective family led decision making process, which results in a family led plan for care and means more children remaining safely within their family network. The child’s voice will be amplified through an advocate, giving them a direct say in decision making ensuring their best interests are met (Article 3 <i>best interest of the child</i>). Regular oversight from a social worker and advocate will ensure children have an ongoing say in plans made for their care (Article 25 <i>review of treatment in care</i>)</p> <p>Through mandating family group decision making, and funding new Family Network Plans, family members will be better supported to provide care for their relatives (Article 18 <i>parental responsibilities</i>) and more children will be able to remain safely within their family network, closer to community, schools, and friends. Children will experience greater longevity and</p>	<p>If implemented poorly, family group decision making could fail to take into account children’s best interests (Article 3 <i>best interests of the child</i>). For some children, remaining within their wider family network will mean they have continued exposure and contact with parents and extended family members who may be themselves a risk to the child, or an extra familial source of harm (Article 19 <i>protection from violence, abuse and neglect</i>).</p> <p>These risks should be mitigated by:</p> <ul style="list-style-type: none"> • instigating emergency care proceedings if a child is deemed to be unsafe, or instigating non-emergency care proceedings if a service is not content that a Family Network Plan will result in a child being safe • ensuring the new social work Early Career Framework prepares social workers with the skills and

<ul style="list-style-type: none"> • legal definition of kinship care • modernising Adoption 	<p>continuity of relationships which offer a significant protective factor against adverse adult outcomes.</p> <p>Providing financial support to Special Guardianship Orders and kinship Child Arrangement Orders will provide parity with foster carers, so that no child is financially or practically disadvantaged because their carer has chosen not to become a kinship foster carer (Article 3 <i>best interests of the child</i>)</p> <p>By modernising adoption contact we expect that more children will be able to safely maintain a relationship with their birth parents, if they choose to do so (Article 12 <i>views of the child</i>), and avoid unplanned, often traumatising, contact via social media. This will help more children retain a sense of place and identity (Article 8 <i>protection and identity</i>).</p>	<p>knowledge to make decisions in the best interests of the child, with access to resources to secure the right support for the whole family</p> <ul style="list-style-type: none"> • the ongoing safety and effectiveness of family led plans which result from family group decision making would be delivered through regular but proportionate monitoring from social workers <p>Rather than delay court proceedings we expect the introduction of family group decision making to speed up court decision making, as all family led plans for care will have been explored before a case reaches the court. Ensuring that family group decision making takes place as soon as feasible when it is identified by the social worker that care proceedings are likely, should mitigate this risk further.</p> <p>Modernising methods of contact between adopted children and birth parents is likely to increase the frequency and likelihood of contact. Whilst we expect this to lead to positive outcomes for most children, if this is done inappropriately</p>
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		<p>and without accompanying support this could be traumatising or harmful for some children (<i>Article 19 protection from violence, abuse and neglect</i>). To provide mitigation, when rolling out new methods of contact it must come with support and involvement of the adoptive parents, to ensure contact is safe and in the best interests of the child. The child's views should be paramount in determining whether contact continues.</p>
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Chapter 5: Transforming care

Recommendations	Likely impact on children's rights	Potential negative impact on children's rights and proposed mitigations
<p>Chapter 5: Transforming care</p> <p>Recommendations in this chapter will lead to more homes in the right places that can offer the right type of care for children. Recommendations will also strike a new deal with foster carers and ensure children in care have a voice in decisions which affect them.</p> <p>Recommendations include:</p>	<p>Through improvements to the way homes are found and managed, realised by introducing Regional Care Cooperatives, children will have access to homes that better meet their needs and are closer to their communities (<i>Article 20 children unable to live with family</i>, and <i>Article 27 adequate standard of living</i>). The primary focus of the reformed system is relationships, and this change will also allow children to better maintain important relationships with important people in their</p>	<p>The existing responsibilities of Independent Reviewing Officers and Regulation 44 Visitors will be replaced and improved by placing more trust in social workers and significantly increasing the scale, quality and independence of advocacy for young people. However, if not implemented effectively it could lead to drift and delay in decision making for children in care, and care plans not being carried out in</p>

<ul style="list-style-type: none"> • new universal care standards to guarantee care for every child in all placements • Regional Care Cooperatives (RCCs) to commission and run children’s homes, and recruit and train foster carers • a “new deal” for foster care which gives carers the support and training needed to provide the best care for children • independent advocacy for children to have their voices heard, on an opt-out basis 	<p>lives and build new relationships which will sustain them into adulthood (Article 8 <i>protection and identity</i>).</p> <p>New care standards mean all children in care will receive care, whilst also allowing local authorities and, over time, Regional Care Cooperatives greater flexibility to commission homes that can best meet the needs of children. We expect this recommendation to particularly benefit older teenagers where existing legislation is restrictive and places young people in settings which do not provide enough care (Article 27 <i>adequate standard of living</i>).</p> <p>Recruiting 9,000 new foster carers will give government and local authorities significant scope to improve the diversity and skill base of the foster carer cohort. Having more foster carers with specialist skills should allow more children to reside in remand foster care rather than enter Young Offender Institutions (YOIs) or Secure Children’s Homes, and mean fewer children need to leave their local communities and networks and have the opportunity to recover from complex childhood trauma (Article 39 <i>recovery from trauma</i>).</p>	<p>accordance with court orders (Article 25 <i>review of treatment in care</i>).</p> <p>There could also be a gap in young people being able to express their views if advocacy services are not expanded at the same pace (or faster) than the rate at which Independent Reviewing Officers and Regulation 44 Visitors are withdrawn (Article 12 <i>views of the child</i> and Article 5 <i>the capacity to make choices</i>).</p> <p>To mitigate these risks, the review is recommending a phased introduction of these changes over a number of years following further consultation.</p> <p>Furthermore, the new advocacy service will be introduced alongside improved training and qualification for advocates to ensure the expanded advocacy workforce have the skills to represent children effectively. The new national advocacy service should be overseen by the Children’s Commissioner and monitored by Ofsted to ensure a consistently high quality service for children across the country.</p> <p>The complex process of replacing a large number of overlapping care standards creates a risk that important</p>
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	<p>A new national advocacy service, delivered on an opt-out basis, will increase children and young people's involvement in decision making. We expect this to assist in children accessing their rights throughout the care system and in all decisions which affect their lives (Article 12 <i>views of the child</i>).</p>	<p>protections, rights and entitlements to care are lost. To mitigate this risk new care standards should be developed in consultation and collaboration with children and young people that have experience of children's social care – so that they stand the best possible chance of meeting their needs. It should be the aim of government to make these standards more flexible, whilst at the same time guaranteeing care for all children.</p>
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Chapter 6: Care experience

Recommendations	Likely impact on children’s rights	Potential negative impact on children’s rights and proposed mitigations
<p>Chapter 6: Care experience</p> <p>Recommendations in this chapter set out ambitious “missions” for care experienced people, introduce care experience as a protected characteristic and place a corporate parenting duty on a wider set of public bodies.</p> <p>The five missions are to ensure:</p> <ol style="list-style-type: none"> 1. Every young person leaving care has at least two loving relationships 2. Every young person leaving care has access to a good home 3. Every young person leaving care has access to an apprenticeship or well paid purposeful work 4. The system can double the chances of care experienced young people attending university 5. There is an equal life expectancy for care experienced young people compared to the wider population 	<p>Making care experience a protected characteristic will deliver a step change in the way children in care and care leavers receive support. In future we expect all public bodies to assess how the implementation of new policy affects care experienced people. We would also expect this change to offer an opportunity for public and private organisations to do more to specifically support care experienced people (Article 2 <i>non-discrimination</i>).</p> <p>Introducing a family finding service for all young people in care will help ensure relationships with friends, family and siblings can be safely maintained. Relationships offer a significant protective factor against adverse outcomes in adulthood and through childhood (Article 8 <i>protection and identity</i>)</p> <p>Through setting missions for education, employment, health and housing – we expect to better promote young people’s</p>	<p>There is a risk that introducing care experience as a protected characteristic inadvertently increases the discrimination faced by care experienced children and adults, or means children lose existing benefits due to the risk of positive discrimination (Article 2 <i>non-discrimination</i>).</p> <p>When introducing the protected characteristic government should consult and work openly with care experienced people to ensure the definition and implementation does not lead to an increase in discrimination. During implementation, government should consider offering tailored information or training to employers, schools and other public bodies to ensure the aims of making care a protected characteristic are fully achieved.</p> <p>Family finding services may place some children in care closer to the intra or</p>

	<p>ability to recover from trauma and access the best possible health and education services that meet their needs (Articles 24 <i>health</i>, 27 <i>adequate standard of living</i>, 29 <i>development through education</i> and 39 <i>recovery from trauma</i>).</p>	<p>extra familial sources of harm which led to them being taken into care (Article 19 <i>protection from violence, abuse and neglect</i>). This should be mitigated by ensuring family finding services are delivered by appropriately trained, skilled and qualified practitioners, to ensure interactions are in the child's best interest. The child will have access to an advocate, who will be able to identify and amplify their concerns.</p>
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Chapter 7: Realising the potential of the workforce

Recommendations	Likely impact on children’s rights	Potential negative impact on children’s rights and proposed mitigations
<p>Chapter 7: Realising the potential of the workforce</p> <p>Recommendations in this chapter aim to improve the experience of children and families when they interact with professionals. They offer support for newly qualified and experienced social workers, take action against the use of agency social work, and free up social workers to spend more time in direct practice with children and families.</p> <p>Recommendations include:</p> <ul style="list-style-type: none"> • a new Social Work Early Career Framework, providing an expert practitioner pathway and national pay scales • reducing reliance on agency social workers, helping children and families form relationships with the professionals in their lives • tackling bureaucracy and unlocking social workers’ time so they spend 	<p>A new Early Career Framework will ensure that social workers better understand the needs of children and families and are able to make better informed decisions (Article 9 <i>separation from parents</i>). Decision making and the quality of relationships between families and social workers will also be improved by removing unnecessary administrative burdens and improving case management systems, which increase the amount of time social workers spend in direct practice (Article 12 <i>views of the child</i>).</p> <p>A number of recommendations for the social work workforce are aimed at promoting stronger relationships between professionals, children and families.</p> <p>Creating new regional staff banks will reduce the need for local authorities to use agency social workers, which will increase the depth and longevity of the relationships held between professionals and families.</p>	<p>Recommendations will allow social workers to spend more time with children and families. There is a risk that this time is spent unproductively, through over assessment and inspection rather than providing help.</p> <p>To ensure this time is used effectively, it is essential that social workers and Family Help workers are given autonomy to make decisions and are able to offer direct help to families.</p> <p>By reducing the amount of unnecessary bureaucracy and administration we expect social workers to do, and decreasing the proportion of social workers in non-caseholding roles, there is a risk that there is less oversight and compliance with agreed processes. This should be mitigated through a focus on building workforce knowledge and skill and by a careful and iterative process of</p>

<p>more time working directly with families as part of multidisciplinary teams</p> <ul style="list-style-type: none"> • defining the knowledge and skills needed by family support workers • develop a new pipeline of leaders, capable of running high quality children's homes • invest in leadership development programmes, so leadership is rooted in practice and can address the racial disparities that the workforce experiences 	<p>Through introducing new Expert Practitioner roles which keep experienced social workers in practice and increase the attractiveness of the profession through a career structure reflected in pay scales, we expect more social workers to remain in post for longer periods of time.</p> <p>As a result, children and families will experience greater continuity of relationships with social workers as social workers remain in post for longer, feel better supported and have a greater knowledge and skills to deliver high quality services and make a genuine difference (<i>Article 12 views of the child, and Article 18 parental responsibilities and state assistance</i>).</p> <p>By introducing a new leadership programme for children's home managers, and requiring professional registration, we can be more confident that children's homes will be able to provide loving, supportive and stable environments that allow children to thrive (<i>Article 27 adequate standard of living</i>).</p>	<p>understanding which processes are needed and which can be removed.</p>
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Chapter 8: A system that is relentlessly focus on children and families

Recommendations	Likely impact on children’s rights	Potential negative impact on children’s rights and proposed mitigations
<p>Chapter 8: A system that is relentlessly focus on children and families</p> <p>Recommendations in this chapter set out the review’s proposed changes to the system. These include:</p> <ul style="list-style-type: none"> • establishing a National Children’s Social Care Framework to give national leadership, supported by a balanced scorecard and more coherent regulatory rulebook • strengthen multi-agency working and achieve joined up support for children and families • address structural problems in how social care is funded • improving the role of inspection as a driver of accountability and intervene more decisively when services are not good enough • a Data and Technology Taskforce to drive improvements in priority areas 	<p>The overall impact of system improvements - whether this is improving performance, making better use of data, addressing structural funding issues, or improving multi-agency working - will promote a broad range of children’s rights and support services to act in children’s best interests (Article 3 <i>best interests</i>).</p> <p>By intervening more decisively in inadequate and drifting authorities, this will improve services supporting children’s development and reducing the likelihood of children experiencing significant harm (Article 6 <i>life, survival and development</i> and Article 19 <i>protection from violence, abuse and neglect</i>).</p>	<p>There is a risk that the collective impact of system reform – for example setting more direction through the National Children’s Social Care Framework – has unintended consequences on children’s rights. To mitigate this, we recommend that the government should complete a full impact assessment of children’s rights (alongside other impact assessments such as equalities and the family test). This should be done in consultation with stakeholders, children and families. This will promote Article 4 (<i>implementation of the Convention</i>).</p> <p>As part of our recommendations on data we recommend an overhaul of data collections, including collecting important information about children in care. We also recommend improving data linkage to improve our understanding of how to support children and families. Both of these recommendations, if not</p>

<p>such as case management systems, data sharing and use of data and analytics.</p>		<p>implemented correctly could impact children's right to privacy (Article 16 <i>right to privacy</i>). This is why we are clear that a decision about what data should be collected about care experienced people should be formed on the basis of consultation with the care experienced community, to ensure it reflects what matters to them and collected in a sensitive way.</p>
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