

4Children response to Department for Education consultation on Powers to delegate children's social care functions

4Children is a national children's charity that shapes and develops policy and delivers services throughout the country. The organisation works with up to 200,000 children and families each year to improve outcomes and overcome vulnerability. Our innovative community hub approach delivers a local joined up approach to holistic support for the whole family.

1. Do you agree that the draft regulations will give local authorities freedom to explore a wider range of approaches to discharging their social care functions?

Overall response: **Not sure**

Instinctively 4Children believes in the benefits that a mixed economy can bring, and the draft regulations appear, at face value, to give local authorities this freedom.

However, this freedom can only be welcomed with full safeguards in place to ensure that social care functions are discharged only when there is a real reason to do this, and if so, are discharged in a way that delivers a clear 'business case' to enhance the outcomes for families, and the individuals in those families, not just a means for reducing cost. 4Children is clear that this must increase outcomes for children and families and not be undertaken just as a means of reducing costs.

To achieve this, we would therefore recommend that any new regulations are developed in a way that provides a framework which ensures:

- a) quality provision;
- b) added value; and
- c) that cost or profit only follows these other considerations.

4Children's own belief is that, in most cases, this is likely to mean that delegated functions are provided on a non-commercial, 'not for profit' basis.

2. Do you agree with the proposed regulations?

Overall response: **Not sure**

4Children believes that allowing local authorities to discharge their social care functions will provide an opportunity for a more holistic, family approach to be developed, which is about adding value for outcomes. The issue should not be about cost, or volume of cases dealt with. Instead any business case developed by local authorities should be driven by what is best for children and families: the key thing has to be about the capacity to improve their lives and their outcomes, with them at the centre.

In terms of who delivers these functions, we would argue that 'nothing should be ruled in and nothing should be ruled out', but within that it is quality and not profit that should be the drivers. For example, whilst the private sector certainly does have some of the skills in some of the key areas needed, the

necessary safeguarding should be framed in a way that ensures that family outcomes are the prime driver of their work, as opposed to numbers/processes and simply reducing the cost basis to increase profit.

To achieve this, we would therefore recommend that any new regulations must be developed in a way that provides a framework which ensures a) quality provision; b) added value and c) that cost or profit only follows these other considerations. 4Children's own belief is that, in most cases, this is likely to mean that delegated functions are provided on a non-commercial, 'not for profit' basis.

At the present time there is a requirement through Part 1 of the Children and Young Persons Act (2008) that providers (to whom local authorities would delegate powers) need to be registered by Ofsted, but clause 52 of the Deregulation Bill currently before Parliament seeks to remove this requirement. Though the argument made by government is that this "registration process does not offer any genuine additional safeguards", there is a danger its removal may give an impression of weakening the inspection regime and will indeed dilute the basket of measures to safeguard children. Given this, it is even more important that the process by which Ofsted inspect delegated arrangements alongside their inspection of local authority functions, under their new single inspection framework, is strengthened to ensure that Ofsted has the resources and skills available in order to make these assessments across what may become a much more complex and dynamic structure of care provision.

4Children recommends that the Department for Education (DfE) undertakes further research and consultation with local authorities and potential providers to identify and understand the potential impact of such changes. We would welcome the opportunity to discuss these proposals with you in more detail.

4Children
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