

# Where is the care?

High numbers of looked after children aged 16 and 17 not in education, employment or training when living in non-care settings.



From 9 September, the law for children in care will change for the worse. New secondary legislation will create a two-tier care system where children aged 16 and over will no longer have a guarantee of care. The law in England now discriminates based on age.

In February 2021, the government announced that it would introduce secondary legislation banning the use of non-care settings (otherwise known as unregulated accommodation) but only for children in care under the age of 15. At the time of the announcement, this change would only protect around 100 children.

Around 6,000 children in care aged 16 and 17 are placed in non-care settings every year. About 4 in 10 children were put there by local councils within less than a week of entering care. This number is now likely to increase as lack of suitable placements and shrinking local authority budgets create an overreliance on non-care settings.

For clarity throughout this document, unregulated accommodation, semi-independent or supported accommodation, will be referred to as a non-care setting.

## What does this change in the law mean?

The new secondary legislation lists the types of 'other arrangements' councils can make for children in care who are aged 15 or younger. 'Other arrangements' are used when children can't live with a parent, someone else close to them, with foster carers or in a residential children's home. Ofsted or the Care Quality Commission (or equivalent bodies in Wales and Scotland) regulate all listed places because children receive care there.

The government plans to introduce standards for accommodation for children in care aged 16 and 17 and care leavers. But these standards will not include any requirement to provide care because standards

already exist for places providing care and accommodation. These are the children's homes quality standards. Instead of making providers of non-care settings follow the existing nine quality standards for children's homes, the government has drafted four national standards. The Department of Education launched a consultation on these standards, which closed in July 2021. We still do not know what type of inspection this type of accommodation will receive.

### Marie's story

Marie was placed in a caravan after her social worker couldn't find an appropriate placement. She was told she was going to be there for a maximum of 28 days but she ended up living there for three months. She was 15 at the time. Marie didn't attend school for the entire time she was placed there, or see anyone who she had a meaningful relationship with. Eventually, she was moved to one of the Together Trust's therapeutic homes. When she was 16 her local authority wanted her to move back into a non-care setting but the Together Trust, working in partnership with the clinical psychologist, her social worker and IRO helped her to challenge this decision as she did not feel that she could manage in a placement without care.

Marie's story is not unique. The very nature of non-care settings means that providers do not have the exact requirements to support a child's educational development. There have been many pieces of research that show children in care continue to have lower educational attainment. A recent study from the Rees Centre and the University of Bristol found lower GCSE grades in children in care. Particularly if they entered care during secondary school, had more placement changes and experienced their final placement in residential or non-care settings<sup>1</sup>.

---

<sup>1</sup> <https://www.nuffieldfoundation.org/wp-content/uploads/2020/04/Executive-summary-children-in-need-and-children-in-care.pdf>

At the Together Trust, we are often the first stable placement for young people who have had multiple fostering and residential children's home placement breakdowns. And those who have spent time in non-care settings either before moving to our homes or leaving our care. We see first-hand the impact this has on children. In our opinion, there is no doubt that these constant placement changes and moves to non-care settings have a detrimental effect on their ability to have positive educational outcomes.

## Not cared for, not in education

Since September 2013, the law has required children to continue education, employment, or training until 18. But our evidence shows that high numbers of children aged 16 and 17 experience time not in education, employment or training whilst they live in non-care settings.

On 25 March 2021, we submitted Freedom of Information Act requests to councils in England. We wanted to find out the numbers of children in care aged 16 or 17 living in a non-care setting who were not in education, employment or training (NEET) between 1 January 2019 and 31 December 2020.

Our research has found that **67 local authorities were responsible for 3,253 young people** who were not in education, employment or training whilst living in non-care settings.

Some local authorities had extremely high numbers. For example, Kent County Council reported having 460 NEET 16 and 17-year-olds placed in a non-care setting, stating that 323 of those young people were

unaccompanied asylum-seeking children. Similarly, high numbers came from West Sussex County Council with 307 children with NEET episodes and The London Borough of Enfield, who disclosed that for the period, they had 260 children aged 16 and 17-year-olds in non-care settings with time not being in education, employment or training.



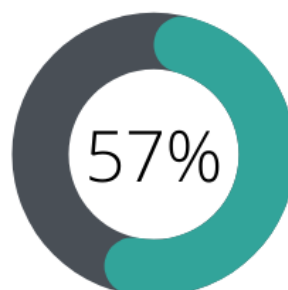
### Kent County Council

460 NEET children aged 16 and 17 in non-care settings. 323 were unaccompanied asylum seeking children

13 local authorities reported that they did not have any NEET children in a non-care setting. 43 local authorities refused to supply the data. When local authorities refused our request, we asked for the total number of children placed in a non-care setting during the period. Some local authorities also voluntarily supplied this information.

We found that in some cases, the number of NEET children in a non-care setting is a substantial proportion of the total. For example, in Solihull, 43% of children in unregulated accommodation are NEET. In Trafford Borough Council, that figure is 57%. And in the London Borough of Greenwich, that figure is 60%.

**57% children**  
in unregulated  
accommodation in  
**Trafford**



Perhaps most shocking was Knowsley Borough Council, where, of the 14 young people placed in a non-care setting, only one child was in

education, employment or training (EET) compared to seven children that were NEET for the full-time period. The remaining six children experienced periods of being NEET.

Because of the nature of non-care settings, these figures are unsurprising. Children can come and go as they please. There is no 24-hour staffing, nor are providers of this type of accommodation necessarily required to encourage, support, or assist a child go to school, compared to a family home or children's home.

## Where is the care?

There are nine quality standards for children's homes which outline what the home should achieve for a child's education, health and wellbeing, achievement, relationships and others. The four proposed standards for non-care settings will not ensure that children receive the same type of care that most British parents expect to give their children aged 16 and 17.

### Sam's story\* Not his real name

Sam was in multiple children's homes before moving to one of our therapeutic homes. He left our care and was moved into unregulated accommodation when he was 16. This move was catastrophic for his life. He was living in a B&B with no facilities to cook his own meals. Without any adult care he felt totally alone. During his time in unregulated accommodation between the ages of 16 and 18 he got caught up in drinking and drugs, before ending up on the streets and then eventually prison, all before he was 20.

A fundamental principle of a residential children's home is that children should feel loved, and residential children's home staff and the children they care for should form strong bonds. There is no mention of love in the new standards for non-care settings.

The age period of 16 and 17 is a hugely important period for children - they may be preparing to sit their GCSEs or A-Levels. Equally, they may be studying a vocational course or embarking on training for a future career. Whatever route they take, they are laying the foundations of their future. No child of compulsory schooling age should have to fend for themselves in accommodation where they receive no care.

## What we want to see

- If the state is looking after a child, they should receive care – up to at the very least 18 years old.
- All children in care should live in regulated and inspected accommodation, following the children's homes regulations and standards, which already apply to children up to age 18 and beyond.
- The government must provide sufficient financial resources for local authorities to meet their statutory duties to all children in care.

## Together Trust's experience of supporting children in care

Since 1870 the Together Trust has been providing care, support and education services. We support around 2,000 people aged 5 to 25+ each year across 40 different services. We campaign because the people we support tell us they face daily discrimination, hardship and barriers.

**103 children**

Cared for by the Together Trust in residential or fostering placements



Together Trust has 10 children's homes, two short break homes and a not-for-profit fostering agency. We support children and young people who have autism, learning disabilities and complex needs, as well as children who are at risk of or who may have experienced trauma.

We have supported the Keep Caring To 18 campaign since its inception in 2020 and have been a member of the steering group since February 2021.

This report was written by Ali Gunn, Communications and Campaigns Manager

Together Trust  
Schools Hill  
Cheadle  
SK8 1JE

For more information or full data set please contact  
[ali.gunn@togethertrust.org.uk](mailto:ali.gunn@togethertrust.org.uk)  
07825596471