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Commission for Social Care Inspection

Motion made, and Question proposed, That this House do now adjourn.—[Margaret Moran.]

10.20 pm

Mr. James Plaskitt (Warwick and Leamington): I should like to thank Mr. Speaker for granting me the opportunity to have this important Adjournment debate.

This case involves two of my constituents who are foster carers. Given the involvement of children and the obvious importance of protecting their identity, I shall refer to the couple only as "my constituents". However, the case is known to the Minister for Children and we have corresponded on the matter.

I want to raise the issue tonight because my constituents have been put in a truly intolerable situation as a result of professional failures and organisational incompetence. Although the matter is now, possibly, inching its way towards a resolution, this has taken far too long. The case has exposed very serious systemic failures, and we cannot afford to fail to apply the lessons that could be learned from this sorry situation. Many questions remain unanswered, and I wish to put them to my right hon. Friend this evening. My constituents and I are anxious to have the answers.

I shall briefly outline the context. My constituents discovered that a 13-year-old boy who had been placed with them for fostering had a history of sex abusing. They had not been told this. That was obviously a profound and dangerous mistake, given that my constituents have young children of their own, and other children in their care. The boy—child X—was placed with my constituents by Northamptonshire social services, and the independent agency involved in the case was called Happen.

Initially, my constituents took the view that an honest mistake had occurred. Attempts to resolve the matter amicably failed and, eventually, my constituents lodged a complaint against the agency. The first really sour incident in the story occurred at this point. Happen's response was to cast doubt on the previous and current fitness of my constituents as foster parents. Having failed to dissuade my constituents from making their complaint, Happen's staff visited their home and produced an agenda of concerns questioning my constituents' competence and reliability. Happen also indicated that it would take my constituents back to the fostering panel. It also told them that it was asking a social worker to investigate them. This aggressive response threatened my constituents with the loss of their reputation and their livelihood.

The then National Care Standards Commission undertook an investigation. Two inspectors, Sandra Lemon and Jane Allen, carried out the investigation and concluded that the complaints against the agency could not be substantiated. Those two individuals later carried out an assessment of Happen's fitness for registration—a point that I shall come back to. Surprised by this finding, my constituents pressed the matter to a second stage review. This was carried out by Cathy Craggs and concluded in May 2003. Looking at exactly the same evidence, Ms Craggs concluded that the complaint was partly substantiated.

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Still dissatisfied, however, my constituents took the matter to a third stage review, which was carried out by Judy Downey and was concluded in March this year. Ms Downey's detailed report makes worrying revelations and reaches some very important conclusions. I have sent a copy of it to my right hon. Friend. The third stage investigation concluded, among other things, that the NCSC's inspection of Happen—carried out, as I said, by the same two people who undertook the initial investigation—had been over-generous to the agency. The investigation also found that Happen was unable to substantiate its claims against my constituents. It also concluded:

"Considerable efforts were made by Happen to discredit"

my constituents. It also concluded that while Northamptonshire's own investigation into the affair had found a need for Happen to address its conduct, that was not picked up in either of the first two NCSC investigations. Finally, Ms Downey's report totally vindicated my constituents. She concluded:

"The NCSC should examine its practices in relation to this provider and review their fitness as a matter of urgency."

Since that report, which was delivered in March this year, what has happened? First, the NCSC has become the Commission for Social Care Inspection. The name and initials have therefore changed, but it does not look to me as though the personnel or practices have changed too much. Anxious to see Ms Downey's recommendations acted on, I wrote to Linda Hoare, the south-east regional director of CSCI. My constituents also engaged a solicitor to represent them, and they, too, were in communication with Ms Hoare. Incidentally, she complained that she could not deal with two sets of correspondence on this matter. However, she wrote:

"I will of course do my best to ensure that any necessary improvements in the practice of the CSCI are carried out".

At the same time, Staffordshire social services reacted to the findings of the third stage review. Peter Steel, its commissioning officer, concluded that his county would no longer use Happen. He communicated that view to a range of other west midlands social services departments, as his was the lead authority. Concern about Happen was also drawn to the attention of Northamptonshire, the original placing authority, which would obviously have an interest in the matter. It decided to check with CSCI, which replied that

"there are no indications of concern regarding the agency and its practices and outcomes from the inspection were positive."

Three months after Ms Downey's report and call for urgent action, some social services departments were clearly doing the right thing. CSCI, however, which twice in its previous incarnation failed to undertake a proper investigation, was telling one local authority at least that all was well with the agency, while writing to me and my constituents assuring us that all

necessary improvements would be made. I was dismayed by this comment from CSCI. In May, I wrote a further letter to Ms Hoare asking for an explanation.

At that time, I also raised the matter for the first time with my right hon. Friend the Minister for Children. She replied that the CSCI complaints board would be conducting a review of its procedures to be completed in the summer of 2004. CSCI has since told me that a further inspection of Happen will be conducted in October. As for the astonishing comment made by CSCI

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to Northamptonshire that all was well with Happen, I still have not had an explanation; instead, I have had only a comment from Ms Hoare saying that she was not in post at the time. In fact, I think that she was.

All that raises serious doubts in my mind about the competence of CSCI. The reputation of two outstanding foster carers has been placed in jeopardy, I think, to cover up professional failures. First, they were subject to incompetence, then to intimidation, and then they were totally let down by the inspecting organisation to which they turned. Either the inspectors did not inspect, or they did but opted to cover up what they found. Either is indefensible, given that not only reputations are at stake but the safety and security of children.

In conclusion, I have some questions for my right hon. Friend. How confident can we be in the staff of CSCI? Is it mired in institutional self-preservation? What has happened to CSCI's review of complaints procedure? Has it concluded? If so, what was the outcome? Why is the complaints process so close to the inspection process, to the extent that the same people are involved? Surely that raises a conflict of interest and results in people being asked to inspect their own competence. Why are CSCI inspections apparently such limp affairs? How rigorous are the inspection criteria? When complaints are made about the very foundations of fitness, why are the inspections about superficial matters? Why are inspections, as in the case of Happen, pre-announced? Does not that further undermine their validity? Why, when it was deemed urgent in March, are some of the core recommendations of Ms Downey's first stage report still not being acted on seven months later? When will all those recommendations be acted on, and when will Happen be either sorted out or deregistered?

Mr. David Cameron (Witney) (Con): I listened carefully to what the hon. Gentleman said. He has clearly studied the matter closely. I want to put on record—the hon. Gentleman may not know this—that my constituent, Brian Henderson, a director of Happen Fostercare Ltd., contacted me about the debate. He has made a series of complaints to the commission, which are currently being examined. I think it important for the hon. Gentleman to be aware of that, and I look forward to hearing the Minister's reply.

Mr. Deputy Speaker (Sir Alan Haselhurst): It appears that that was a speech rather than an intervention. I thought that the hon. Member for Warwick and Leamington (Mr. Plaskitt) had given way. Presumably, there was all-round acceptance that the hon. Member for Witney (Mr. Cameron) could contribute.

The Minister for Children (Margaret Hodge): I congratulate my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt) on securing the debate and on diligently and persistently pursuing the issue on behalf of his constituents. I regret the difficulties

experienced by his constituents. I wish to record my

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admiration for the enormous contribution that foster carers make to our society, and the wonderful work they do with some of the most disadvantaged children. If I have time, I shall describe some of the key measures that the Government are taking to improve support for foster carers; but first I want to respond to issues relating to this specific case.

It is clear that the handling of the complaint made by my hon. Friend's constituents has simply not been good enough. I understand that the CSCI has itself acknowledged the amount of time taken to resolve the complaints. It accepts that they were not handled as quickly as they should have been, and has apologised to my hon. Friend's constituents for that. However, I have received assurances from the commission that action is being taken to improve the handling of complaints in future. I shall give my hon. Friend more details of that.

A board has been established to review the effectiveness of the complaints arrangements and the way in which the organisation deals with them. The CSCI has also informed me that a new management team has been installed in the south-east region and that the team will aim to find a swift and satisfactory resolution for the complainants in this case. I sincerely hope that a satisfactory conclusion can be reached. I am also pleased to hear that the commission has brought forward the annual inspection of Happen to 4 October. The inspection will be used, among other things, to review the fitness of the provider.

Let me now deal with some of the specific issues raised by my hon. Friend, who gave me notice that he would raise them. He asked whether I could be confident in the staff we have in the CSCI. I believe that we can be. The commission now has a completely new management structure, different from that of its predecessor, and is about to appoint a new regional director to this area. It has committed itself to a service user-focused approach to regulation and to trying to bring about real improvement in social care. Its underlying aims are to stamp out bad practice wherever it is found and to protect vulnerable people in care. I understand that the organisation is reviewing its methodology and systems to improve them where possible, no doubt learning from experiences such as this case.

My hon. Friend asked if I felt that the organisation was mired in what he called institutional self-preservation. It has a statutory duty to promote the improvement of social care services. By its nature it has to be an outward-looking body and it was set up by Parliament to improve services for users and carers. The commission has a statutory duty to co-operate with other organisations. As I know from having worked with it recently, it is working very closely with Ofsted and other inspectorates on developing an integrated children's service inspection framework. That is going well. So in my experience, it is not an inward-looking organisation.

What, however, has happened to the review of complaints procedure? My hon. Friend asked whether it had concluded, and if so, what the outcome was. The review continues, which is not a bad thing. I am told that there have been some early benefits that have been realised, particularly by introducing a much more flexible approach to the way in which complaints are investigated and reported. Whereas previously an

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inspection report had to be generated by each individual complaint—a process that is both slow and time-consuming—new arrangements established this summer enable complaints to be investigated and responded to much more quickly as stand-alone activities. The information arising from a complaint can then be captured in the next scheduled inspection report.

The review of the complaints mechanism will continue through the autumn, with a view to further reform of the process. In the commission's opinion, the complaints system needs a comprehensive examination, as my hon. Friend doubtless agrees, which is why it is making proper time to consider the issues. I should add that the CSCI will assume responsibility for undertaking third-stage complaints of local authority social services functions from 1 April 2005. It needs to consider how to bring them into its complaints mechanism.

My hon. Friend asked whether the complaints process is too close to the inspection process, whether the same people are involved and, if so, whether that jeopardises objectivity in administering the complaints mechanism. The organisation operates as a result of statute, so if the fault lies anywhere, it lies with us in Parliament and the way in which we configured the Care Standards Act 2000. The 2000 Act places a statutory complaints-handling responsibility on the commission. Investigations into complaints are therefore conducted as an inspection activity, using the commission's regulatory powers. It is not unusual for public organisations to do that, and provision is made in the commission's corporate complaints procedure for complaints about the commission itself to be considered by regional and national management structures. That provides a check on performance at local operational level.

Mr. Plaskitt: Although the two functions are contained within the CSCI, does the Minister share my concern at the fact that, in certain instances, it is the same people who carry out those two functions, which is the cause of the potential conflict of interest?

Margaret Hodge: I concur with my hon. Friend's view that it seems odd that, in this case, the same people who carried out the regulatory procedure had previously investigated a complaint about the organisation. That was not an appropriate use of individuals' time, and I hope that the structure that the CSCI now has in place, which will ensure that complaints against the organisation are dealt with at regional and national management levels, will help. Of course, where complainants remain dissatisfied, they have the right to an independent review and for the matter then to be referred to the parliamentary ombudsman.

My hon. Friend feels that the inspections carried out by the CSCI are limp affairs, partly because they are pre-announced, and that the inspection criteria are not tough enough. I am afraid that I cannot agree with him on that. Indeed, I have heard it argued by others in the social care field that CSCI is too prescriptive and interventionist, so there are obviously varying views. It inspects against a framework of regulations and national minimum standards, and there are currently 32 standards for independent fostering agencies. It tries to

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strike a proportionate balance between inspections based on national minimum standards and a focus on the quality of the service and the user experience. That is why people using services are consulted as part of inspections.

Where concerns arise, a number of options are available to the CSCI, ranging from an informal word with a provider about a non-serious problem—which is sensible—to issuing an urgent action notice or taking action through the courts and prosecuting providers in cases where regulations have been breached and service users placed at serious risk.

To give some examples of the extent to which those powers have been used, the old organisation, the National Care Standards Council, undertook five prosecutions in 2003–04 and issued 5,750 urgent actions across all the services that it regulated. Since April 2004, when the CSCI became operational, it has taken more than 4,500 different enforcement actions to help improve regulated services where it had concerns. While the vast majority—93 per cent.—involve care homes, six have involved independent fostering agencies. If the CSCI finds gaps or weaknesses in regulations or standards, it will of course report them to Government so that we can take remedial action.

My hon. Friend asked why some of the core recommendations in Ms Downey's report have still not been carried out. There has been unacceptable delay, partly resulting from the transition from the NCSC, and action was not taken as promptly as it should have been. Nevertheless, the CSCI has informed me that Happen was inspected in December 2003 and that the result was satisfactory. The original weaknesses that my hon. Friend drew to my attention with regard to employment practices have been looked at and recommendations made for improvement, but the weaknesses were not felt to be sufficiently serious to warrant deregistration of the agency.

As part of the inspection process, local authorities were asked if they had concerns about Happen, but no particular concerns were raised about the agency. Furthermore, there have been no complaints against Happen since the complaint from my hon. Friend's constituents two years ago.

I repeat that Happen will be inspected on 4 October. This will involve CSCI staff with expertise in inspecting fostering agencies and who have had no previous involvement in the case. In addition, the process will be managed from outside the Oxford area. The CSCI has a duty to ensure that its inspection is fair but proportionate and that any action that it takes is evidence-based.

My hon. Friend also asked about whether notice of inspection should be given. We are considering that issue throughout children's services, and I undertake to keep him informed.

My hon. Friend asked whether Happen will be sorted out or deregistered. The annual announced inspection of Happen on 4 October has been brought forward from February 2005 as a result of the third stage review carried out by Ms Downey. The CSCI has advised me that the inspection on 4 October will be led by an inspector from Kent who has experience of inspecting

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independent fostering agencies. That inspector will be accompanied by an inspector from Oxford and the inspection will be overseen by a senior member of staff from outside the Oxford office, rather than the local regulation manager. Clearly, it would not be appropriate for me to comment further. The commission will inspect the service objectively and base its

judgment on the evidence found. I assure my hon. Friend that I will inform him of the outcome of the inspection report and will ensure that I am informed of it.

I should like to say a little about information sharing, which is at the heart of the original case. The national minimum standards, which have to be taken into account by the CSCI in inspecting fostering providers, make a number of references to the sharing of information. They state, for instance, that local authorities should ensure that each child or young person placed in foster care is carefully matched with a carer capable of meeting his or her needs. Full and effective information sharing is, of course, essential for that to happen. They also state that the fostering service must ensure that the foster carer knows why the child is in foster care and understands the basis of the placement. In any case, it is clear that appropriate information must be shared with those involved in the child's care. It is extremely unfortunate that that did not happen in my hon. Friend's constituency.

Finally, I should like to put the case briefly in context. We must remember that there are 40,000 looked-after children in foster care—about two-thirds of the total

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number of children in care. Foster carers play a unique and critical role in our communities, providing homes for some of the most disadvantaged and vulnerable children in our society. Increasingly, they provide greater stability for looked-after children than do other forms of care.

We know that there is a shortage of foster carers—about 8,000, according to the Fostering Network. It is clear that we need more foster carers to provide looked-after children with a greater choice of where they can live. Children are much more likely to thrive if they are placed with carers who are a good match in terms of location, culture, language and lifestyle; a bigger pool of carers would allow us to make better matches between carers and children. We are therefore committed to recruiting and keeping more foster carers and we want to encourage more people to consider fostering—not just married couples, but other groups such as single people, older people, unmarried couples and lone parents who may not realise that they are eligible.

I hope that Members will recognise from what I have said this evening that the Government have a strong commitment to improving outcomes for looked-after children. We are doing a lot of work to take it forward, but there is still a lot more work to be done. All looked-after children must be supported to achieve the same outcomes as all other children and their carers must be valued. We should expect for our looked-after children the same as we expect for our own children.