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GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND FAMILIES BILL

Third Sitting

Thursday 7 March 2013

(Morning)

CONTENTS

Written evidence reported to the House.
Examination of witnesses.
Adjourned till this day at Two o'clock.

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The Committee consisted of the following Members:

Chairs: MR CHRISTOPHER CHOPE, † MR DAI HAVARD

† Barwell, Gavin (<i>Croydon Central</i>) (Con)	† Nokes, Caroline (<i>Romsey and Southampton North</i>) (Con)
Brooke, Annette (<i>Mid Dorset and North Poole</i>) (LD)	† Powell, Lucy (<i>Manchester Central</i>) (Lab/Co-op)
† Buckland, Mr Robert (<i>South Swindon</i>) (Con)	† Reed, Steve (<i>Croydon North</i>) (Lab)
† Elphicke, Charlie (<i>Dover</i>) (Con)	† Sawford, Andy (<i>Corby</i>) (Lab/Co-op)
† Esterson, Bill (<i>Sefton Central</i>) (Lab)	† Simpson, David (<i>Upper Bann</i>) (DUP)
Glass, Pat (<i>North West Durham</i>) (Lab)	† Skidmore, Chris (<i>Kingswood</i>) (Con)
† Hodgson, Mrs Sharon (<i>Washington and Sunderland West</i>) (Lab)	† Swinson, Jo (<i>Parliamentary Under-Secretary of State for Business, Innovation and Skills</i>)
† Jones, Graham (<i>Hyndburn</i>) (Lab)	† Timpson, Mr Edward (<i>Parliamentary Under-Secretary of State for Education</i>)
† Leadsom, Andrea (<i>South Northamptonshire</i>) (Con)	† Whittaker, Craig (<i>Calder Valley</i>) (Con)
† Lee, Jessica (<i>Erewash</i>) (Con)	Steven Mark, John-Paul Flaherty, <i>Committee Clerks</i>
† Milton, Anne (<i>Lord Commissioner of Her Majesty's Treasury</i>)	† attended the Committee
† Nandy, Lisa (<i>Wigan</i>) (Lab)	

Witnesses

Sue Gregory, Director for Early Childhood, Ofsted

Peter Grigg, Director of Research and Policy, Daycare Trust and Family and Parenting Institute

Liz Bayram, Joint Chief Executive, National Childminding Association

Dr Roger Morgan, Children's Rights Director of England

Kathy Evans, Deputy Chief Executive, Children England

Public Bill Committee

Thursday 7 March 2013

(Morning)

[MR DAI HAVARD *in the Chair*]

Children and Families Bill

Written evidence to be reported to the House

CF 11 National Childminding Association

CF 12 The Fostering Network

CF 14 Jane Fortin and Joan Hunt

CF 15 Information for School and College Governors

CF 16 National Deaf Children's Society

CF 17 Professor Hamilton, Coram Children's Legal Centre

CF 18 Association of School and College Leaders

11.30 am

The Committee deliberated in private.

Examination of Witnesses

Sue Gregory, Peter Grigg and Liz Bayram gave evidence.

11.33 am

The Chair: Before we start questions, I remind members of the public and others to switch electronic devices to silent mode.

I thank our witnesses for attending. We are to take oral evidence from Ofsted, the Daycare Trust and the Family and Parenting Institute, and the National Childminding Association. I remind witnesses and members of the Committee that questions should be limited to matters within the scope of the Bill, and that we must stick strictly to the timetable that we set. I do not anticipate being interrupted by votes or anything this morning, so we will stick to the agreed timetable.

Q206 Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Good morning. I will start with Sue Gregory of Ofsted. Are you aware of where the inspiration for childminder agencies comes from? Was it something that Ofsted suggested to Ministers? Has the need to reduce Ofsted's budget played any role in your support for such agencies?

Sue Gregory: We have had a number of discussions with the chief inspector, Sir Michael Wilshaw, the Minister, Liz Truss, and Department officials about the strength of our evidence, gathered over not just one year but a number of years, about the quality of provision and care for very young children and the quality of their early education. We have a great deal of evidence that indicates that childminders tend to do less well than the providers of care and early education in pre-schools and nurseries. We think that one reason for that is that

childminders often work alone, in isolation; they have limited opportunities to train and, crucially, they have limited opportunities to work with others. Where we see childminders working effectively and a good quality of practice is often, although not exclusively, where they are linked with networks.

I went to a children's centre earlier this week in one of the country's poorest areas—it is one of the London boroughs—and was able to see for myself the work being done with local childminders through a network run by the children's centre, and the huge improvement that there has been in the quality of their provision. In relation to the London borough and to the national statistics, the childminders who work in that area through that network, where they are trained, supported, mentored and monitored, are 10 times more likely to be providing outstanding practice than those working in isolation in the borough. Now, that is just one area, and of course networks or agencies cannot be a panacea—structures in themselves do not work. That is where we think Ofsted comes in, and that is where we have had some discussions with the Minister.

Q207 Mrs Hodgson: You will be aware that the Netherlands tried childminder agencies and creating a very similar situation. That resulted in the costs to Government rocketing and the quality falling drastically, and the Netherlands is backing away from it. How can we prevent that from happening in this country?

Sue Gregory: There are two parts to your question, and if I may, I shall answer them separately. The first relates to the difference between what we have in this country and what exists in the Netherlands; I have been there myself to see what is happening. In the Netherlands, there is no Ofsted equivalent; we spoke to inspectors who really want to hold providers and those who run their agencies or networks to account, and they do not have any teeth. That is the difference between what we can offer in this country and what is going on there. We are really clear about the importance of a rigorous inspection framework that would register and then inspect agencies—that is, look very closely at what they are doing in terms of training and support, monitoring provision on a very regular basis, and providing opportunities for childminders that they cannot get on their own.

On cost, the Government have a very difficult circle to square. We know—all the research and inspection evidence shows us—that the quality of what is offered is determined by the level of qualification, the knowledge and the expertise that individual childminders have in helping children to learn and develop and reach their potential. There is a direct correlation between that and the quality of provision. The Government are trying to square the circle between the need for a better level of qualification, cost to parents, and quality, and that is tricky.

Q208 Mrs Hodgson: You mentioned the work with children's centres and Sure Start, but what is your vision of these agencies? Are they private providers? Are they places like children's centres—a centre where they could coalesce—or do you see big chains of childminder agencies setting up? Also, you talk about inspection. Would you inspect the agency or the individual childminders, or would you trust the agency to inspect

the childminder? Who pays? Does the childminder pay the agency for the inspection? If there are extra costs, this is not going to get cheaper for parents.

Sue Gregory: There are three questions there. The second is about how we would inspect; the first is about the model; and the third is about cost to parents.

It is not really our remit to determine the model for agencies. We do know that Government are very keen on allowing the market to develop the model and on leaving it as open as possible. In terms of inspection, we think that it is really important that we are able to hold agencies to account robustly and to sample the quality of childminding within those agencies. For us, it is also important that we are able to respond very quickly and properly to any concern or complaint, and can carry out enforcement activity where we need to. If we think that a childminder is not safeguarding children well enough or, on another end of the scale, simply does not understand the best ways to help children to learn and develop, we need to be able to do something about that, so our discussions with Government—with DFE officials—have been about making sure that our duties and responsibilities enable us to do that. Pending the will of Parliament, if the Bill goes through, we will have the same regulatory, registration and inspection powers and responsibilities for childminder agencies as we do for child care providers at the moment. That is very much what we have been talking about.

Mrs Hodgson: And the cost to parents?

Sue Gregory: Cost is tricky. As I said just now, we see that the Government are trying to square the circle between a very clear need for a better level of qualification and much better provision in the most disadvantaged and poorer areas, to really help children to learn and develop, so that more children are better prepared for statutory school. For us, the bottom line is that, despite the amount of money that has been poured into the early years, too many children in the country are not ready for statutory schooling; and the real problem is that most of those children are in poor areas and disadvantaged areas.

Mrs Hodgson: Moving to Liz, to get the National Childminding Association's perspective. On Tuesday, the Minister implied that overburdensome regulations and a lack of support had driven half the childminders out of the profession. Is that something you recognise?

Liz Bayram: The statistic has often been quoted in the past few months. Certainly it is not one we recognise in terms of the scale of downsizing of registered childminders in the period that the Minister talks about. Pre-Ofsted registration, childminders were managed by local authorities and registered locally. As I am sure Sue will reinforce, when Ofsted took over that registration, there was a clearout of a lot of data on individuals who were not practising childminders. For us, there has been a drop in the number of childminders, but not half.

Certainly when the early years foundation stage was first introduced, there was a lot of fear and worry about what paperwork was required, but a great deal of this fear and worry was not real—Ofsted was not asking for it. It was about the process of supporting individuals, which a lot of local authorities did very well, and training childminders through that process to understand

what was required of them as individuals within the EYFS. The revised EYFS, which started in September, has far less paperwork and is far less onerous. The message from our members is that paperwork is not so much the issue; it is much more about the time and energy spent observing children and supporting children. From our membership's point of view, we see the vast majority of registered childminders as good and outstanding on the basis of their own professional commitment to ongoing training and development.

Mrs Hodgson: So a lot of the childminders that in the statistics looked like they left the profession were not actually doing any work or looking after children?

Liz Bayram: That is one of the issues for us in terms of the agency approach. How will they be registered? Will we end up with another mythical community of registered childminders who may or may not be practising? Clearly the fee may deter some, depending on how big it is on agencies.

Mrs Hodgson: You have run the “individual inspection matters” campaign against the very measures that are in this Bill. Why does individual inspection matter?

Liz Bayram: Previously there was the idea that this would be compulsory. We are really pleased that now it is an option, but we are not pleased that it is still there. There are two issues for us. First, parents rely on Ofsted's individual inspection as providing the ability to judge individual childminder's practice and to compare that alongside other types of provision, all of which are judged to the same standards within the EYFS. Secondly, from our understanding and the data we have seen, individual inspection—with the support of local authorities in terms of helping childminders to improve—has helped to drive standards of quality up continually within childminding. The vast majority of childminders are good or outstanding. There is a community of childminders who are satisfactory and need to improve, but the vast majority are delivering good or outstanding child care.

Q209 Mrs Hodgson: Your fellow panel member from Ofsted implied—I do not know if this is what was meant—that the quality of childminders is lower than it should be and is failing children. Do you think that is true? Would childminder agencies improve that quality?

Liz Bayram: The quality of child care, whether in childminding or in group-based care, faces challenges in terms of how much it needs to improve. Our organisation is committed to ensuring that as many people as possible are outstanding. The challenge for us is that the agency approach has not yet been tested or piloted, which would give us a sense of how much more of a difference it will make to the existing processes.

What our members tell us makes the difference to them is the stick—for want of a better word—of Ofsted inspection. That motivates them because they remember that it is coming and that a really important part of their ability to market their business is having an independent inspection grading from Ofsted. Alongside that, there is the time and energy that they put in themselves to develop and commit to professional development, supported by local authorities, or, where that support does not exist, by other organisations, or

their own time, energy and funding. There are other mechanisms that we as an organisation think would help to support quality improvement in a more effective way, such as requiring childminders to pass their introductory course before they even qualify as a registered childminder; we do that in Wales but not in England. There are lots of other interventions that we think would make a bigger difference.

Q210 Mrs Hodgson: I am sure that other Members have lots more questions, but I have a quick question for Peter Grigg, from Daycare Trust and the Family and Parenting Institute—you have merged now, so that is a huge long title; perhaps you will shorten it. Your report on child care costs, which came out yesterday, showed that costs continue to rise faster than inflation, while average earnings are falling. Do you think that anything in the Bill will reverse or help with that squeeze?

Peter Grigg: There is a shorter title coming soon for our organisation. We are not convinced that the Bill's proposals will drive down the costs. Our cost survey, which we published yesterday, showed that the average price for childminding across Britain has gone up by 5.9% for 25 hours of childminder care for under-twos. That increase is almost double the rate of inflation, which is 2.7%, so the costs for parents are getting higher. We got that information by asking local authorities and councils for the average childminder prices charged in their areas.

Costs are rising across the board, not just for childminders, and we are not convinced that these proposals will drive down costs. First of all, somebody has to pay for the agency model to work. The way we see it, the options are to charge parents a fee to use the agencies, which would add a further cost to their bills, or to charge childminders for being part of the agencies. To our knowledge—Liz will know better than we do—childminders already operate with very tight margins, and it is not clear that many of them will have much spare to find additional money to join an agency. If it is optional, they might choose not to—and it is good that they have that option. We are not convinced that costs will go down based on the proposals that we have seen. I should say that we really want to see some more details. What really characterises our concern is that we do not see much detail about how the childminding agencies will work in practice.

Q211 Lucy Powell (Manchester Central) (Lab/Co-op): I want to continue that line of questioning. I absolutely agree that the detail is not there in the Bill, and I would like to elaborate on that. The model that you describe, Sue, of co-operative childminders coming together under the local authority, in a Sure Start centre or something similar, is one that—thinking of my constituency, which, if it is not the most deprived in the country, is certainly in the top three—I could support and would welcome. In the Bill, that is left totally open. As you say, we could see market-driven childminder agencies, which, to me, conjures up an image more like the social care model, where we have very poor quality at very high cost. It would absolutely horrify me to have that model in the child care arena. How does the panel think we could make the Bill more specific to the co-operative model, and why is it not there in the first place?

Sue Gregory: Can I focus mostly on the inspection evidence, because we are responsible for making sure that we get those bits right in discussion with the Ministers and Department officials? Starting from the reasons why we support it, there are too many children who are not well enough equipped to start statutory school—I was a primary head teacher for a long time so I know this from personal experience.

Q212 Lucy Powell: How does this meet that challenge?

Sue Gregory: If we look at what the evidence shows us, which is that where there are now Sure Start centres, which 10 years ago were early excellence centres, that are really well established and where they do have childminder networks, and where those childminders come together several times a week and work together and share pedagogy, we know that it makes a difference to outcomes for children.

Q213 Lucy Powell: But that is not what the Bill specifies, is it?

Sue Gregory: Pending the will of Parliament, if childminder agencies can be established and if Ofsted is given the power and the responsibility for inspecting and registering agencies and holding them to account for the way they train, support, mentor and, crucially, monitor on a frequent basis the quality of what is being provided, we do think that there is very likely to be the same sort of impact as we see coming through the best of networks, which are not widely spreading outward. There are some organisations like Liz's that do provide that sort of support, but there are too many childminders who do not receive it.

Q214 Lucy Powell: So your support for this Bill would be subject to that being the model, as opposed to a different sort of model that is perhaps more akin to the one we see in social care, or where there are agencies that supply staff and cream off some of the profit?

Sue Gregory: Ofsted's support for the Bill comes through what we can see from our evidence and the difference it can make when childminders work together and are properly supervised and trained. Our support for the Bill comes through our discussions and asking, "How can we ensure that, as an inspectorate, we are rigorous and robust in holding those networks or agencies to account?" That is very much the detail we have been discussing with officials.

Liz Bayram: I concur with Sue on the fantastic opportunities that quality improvement models of childminding networks deliver, but for us, what is missing here is the ability to see how the agency model delivers that for registered childminders. Certainly from the experience with networks, childminders are motivated to join those because it is about not just the training and development, but the opportunities to deliver particular types of services—for children at risk, for the free entitlement and so on. We need to be clear that the vast majority of registered childminders currently do not deliver the free entitlement for three and four-year-olds or indeed for two-year-olds; they are providing private paid-for child care directly to parents.

That blue skies model is fantastic, and we have really good examples of local authorities that currently deliver that through their retained duties to provide sufficient

child care to keep registered providers informed, so all those structures are there already to deliver that. The challenge is that the funding is not there. The issue is that the agency model could potentially be providing registered childminders with weekly visits and opportunities to train. The question that I know is not for the Bill but is for that model is: how affordable is that? What fee would that require of a registered childminder, and on that basis would they be willing to pay that money when there are other ways that they can access that training? There are other issues in terms of how providers, not just childminders, who are satisfactory but not progressing up the scale are not actually being driven. There is much more in the great child care debate around Ofsted's focus on weaker providers and things like that that we find are really positive, but for us the issue is the motivation for a registered childminder who is satisfactory to join a childminding agency, which is optional and which will require you to pay a fee—it is the commercial challenge of how much it will cost and what I will get in return.

The Chair: We are discussing this morning the relative efficiency of this Bill. There are three other Members who wish to speak. May I move on to Ms Leadsom, please?

Q215 Andrea Leadsom (South Northamptonshire) (Con): I would like to ask this question of each of you on the panel, but particularly Mr Grigg. Is there evidence that for the earliest years, so for the under-twos, the home-based childminder style of child care is better to meet their attachment and developmental needs, reflecting what Ms Gregory has said about the fact that so many children are not school-ready? With that in mind, do you think that the existence of childminder agencies will lead to an increase in the number of childminders able to meet those attachment needs for the earliest years?

Peter Grigg: I think there is some evidence that in the earliest years—the first year and the second year—interaction is important. It seems obvious that individual interaction is more possible in childminding settings than it is in group-based settings, so, yes, I think there is some evidence suggesting that that is the case in the earliest years.

On whether the Bill would lead to the creation of more childminders, I am not convinced, because the cost barriers may make it more difficult for childminders as their costs of entry increase. The agencies could have an impact on new entrants to the market, but there is also the question of the people already there and how we support their improvement. On both of those fronts, we have not seen the details to be convinced that the agencies could play that role.

I want to add one point from the parents' perspective. At the end of the day, it is the parents who really want to know about the quality of the care for their children. The bit that we are really concerned about is removing the individual requirement to inspect childminders, because it could be the case that a parent is using a childminder who has never been inspected. Ofsted's badge says a lot to parents: it says, "Somebody has looked at this person and checked them for you." Agencies could play some of that role, but inspection is the really key part of that.

Q216 Andrea Leadsom: Ms Gregory, what is your view on the evidence of the importance of childminding in home-based settings over nursery settings in the earliest years? Will the Bill lead to an increase in that group?

Sue Gregory: We do not, I believe, have any survey evidence that has deliberately set out to look at the impact—

Andrea Leadsom: But it would not be surveys.

Sue Gregory: Well, to look at the different impact that a childminder might have on a baby's learning and development compared with pre-school or nursery—

Q217 Andrea Leadsom: No, I am talking about attachment, rather than educational outcomes—the actual attachment outcomes for under-twos.

Sue Gregory: For under-twos, our evidence shows that, overall pre-schools and nurseries are of a better quality than childminders. There are some excellent childminders and some inadequate pre-schools and nurseries.

Q218 Andrea Leadsom: I am not explaining well. My question is about meeting the child's attachment needs and the advantage of a home-based environment for meeting such needs, as opposed to the quality or learning outcomes for babies.

Sue Gregory: You were very clear in your question; I was very unclear in my response. We do not have inspection evidence that looks at that particular issue. There is research, but there is no inspection evidence, so I would not be able to give you an Ofsted view on the difference between the quality of a childminder's ability to help a very young child form attachments, develop their personal, social and emotional skills or develop their language and communication and that of a pre-school. We do not have an inspection regime that looks specifically at that one element.

What we do have is an inspection regime that looks at the totality, which includes, most importantly, the ability of the childcare provider to develop a bond with the child, to develop communication skills and to develop that child's personal, social and emotional development—all the things that the best parents do for babies up to the age of one and babies and toddlers up to the age of two. Our evidence shows that the overall quality is better in group provision than it is with individuals.

Charlie Elphicke (Dover) (Con): One thing that I was wondering whether I could direct at the Daycare Trust is this business about agencies. Is it fair to say that the Daycare Trust thinks that agencies could help to relieve childminders of the burdens of setting up a business? Why is that important?

Peter Grigg: One of the ways that childminders could be supported is around supporting their business requirements: business start-up costs, knowledge and expertise. Existing networks do some of this and local authorities already do this, and it is certainly possible that agencies could do some of that too. It would be a useful thing for many childminders—Liz could comment more on this—to get that support on the business side

of their provision because most of them enter the profession because they are concerned about caring for children; they are not so interested in running a business, I am sure.

Q219 Charlie Elphicke: May I ask Ms Bayram on the perspective of the National Childminders Association? My understanding is that childminder agencies will be voluntary and that nothing will change for individual childminders, so what exactly do high-quality individual childminders have to fear?

Liz Bayram: The theory is that there will be an option either to continue as you are or to join an agency and it will be entirely your choice. On one level, there is nothing to fear: you can carry on if your business is thriving, but our members have very clearly told us that they have concerns around unintended consequences. If a local agency is established in your local authority area, what will your local authority do in future in terms of the current support of training and development that they offer to you as an individual childminder? Will they carry on doing that, or will they say: “No, actually you have got to join the agency; that is now the model that we expect you to support in terms of your quality improvement”?

The other point, which Peter has already said, is that there is a very big concern about the current understanding of parents having the confidence and reassurance an Ofsted individual inspection provides to those registered childminders, and that is really valuable. That, removed from an agency model, creates a two-tier system for childminding where some childminders are individually inspected and some others are not. At one level, you could argue that the individual who decides to retain their independent inspection is in a better place, because they can claim that they have been independently audited by Ofsted, but I think that the profession in itself is a caring profession; it cares about individuals who will join it in the next five years as well as the continued community of already-registered childminders. They value the professionalism, and the confidence that parents have, in the way that they currently operate within the EYFS framework. That is the bit that they worry they would lose: that professionalism and the confidence that parents have.

Q220 Charlie Elphicke: Let us look at inspections. Why exactly do you think that an individual inspection by Ofsted every three to four years, which lasts two to three hours, offers the best system for parents and childminders?

Liz Bayram: It used to be more than three or four years and we would certainly be really keen that it was not just every three or four years. The issue for us is that it is actually the only opportunity at the moment for a registered childminder to be able to stand in front of an independent person who is judged by parents to know about child care and schools—it is part of that wider education framework—and to demonstrate their practice: to have it observed and to have the plans and processes they have in place demonstrated to be part and parcel of what they are doing, and for an independent grade to be given to them. That is a really important piece of information, perhaps more so for registered childminders than it is for nurseries, because they are sole operators, working on their own, in their own home.

Alongside that, the Ofsted registration process also allows them to demonstrate that the other people living in that home are suitable to be around children. So it is not just the practice of the individual, but the suitability and the registration process too.

Q221 Charlie Elphicke: Finally, how are we going to get more childminders into the market and encourage existing childminders to remain? How can we really encourage that?

Liz Bayram: I think a lot has already happened with the EYFS in terms of its revisions that make the paperwork messages less complex and less confusing. A great deal has also been planned on how to support registered childminders to better deliver the free entitlement. The biggest issue for registered childminders to stay in the profession is to feel that they can sustain their businesses with parents wanting to use those services and that is behind a great deal of our members' concerns.

In many local authority areas, the free entitlement at the moment is paying far less than the market rate that a registered childminder could earn from normal practice. There are lots of other parts of the market that are more important to focus on in terms of how we can support more childminders into the profession. I just wanted to suggest that I am happy to send the Committee the evidence from Penny Leach and others on two-year-olds and attachment.

Q222 Bill Esterson (Sefton Central) (Lab): I am hearing evidence about a desire, on the one hand, to build on existing good practice when it comes to networks and sharing—whether that is through Sure Start or elsewhere—and a concern, on the other hand, that if agencies are going to come in, the evidence has not been properly examined and there has been a lack of trialling. Can each of you comment on exactly where you are and what your recommendation would be?

Liz Bayram: From the evidence that was submitted, our ideal recommendation would be not to go forward with childminder agencies at this point. Alongside the trialling and piloting, we also have new qualification requirements coming in and debates currently around ratio changes for childminders—particularly for the community of twos and under on which the Committee is focused. Therefore, there are many other factors in terms of quality that will come into play over the next year. If the Committee feels that the agency model should go forward, we are quite keen to support some of the proposed amendments around retaining individual inspection even if a childminder is on an agency.

Q223 Bill Esterson: What about trialling, if it happens?

Liz Bayram: Apparently it will happen. I think that work is happening within the Department. We are not part of that task and finish group so we do not know.

Peter Grigg: I would agree with that. Most importantly, if agencies are introduced it would not seem sensible to remove the requirement to inspect individual childminders in the meantime. Perhaps this could happen down the line, when the Government are more confident in the system that has been created, but it seems risky to remove that at this stage. We might come on to the second part about whether the Bill could be improved when we talk about the sufficiency assessments and the

local authorities' responsibility to keep an eye on the collection of child care provision in their area. Even though they only report on it every three years or so and even though that is sometimes patchy, removing the requirement for them to report on that takes away one element of keeping an eye on all provision—child care, childminders, nurseries—across a local area. We would rather not see that.

Q224 Bill Esterson: Sue Gregory, presumably you take a slightly different view?

Sue Gregory: We absolutely support the trialling of childminder agencies, given that they will not be compulsory and given those extremely proficient practitioners who operate and are judged to be outstanding. Based on our really secure inspection evidence, we see a huge potential in agencies to bring together all the things that Liz and Peter have mentioned—the level of qualifications, the paucity of training in some areas, the lack of monitoring and really keeping an eye from week to week on the quality of what is provided for our most vulnerable children. Therefore, we would absolutely support the trialling of childminder agencies.

Q225 Craig Whittaker (Calder Valley) (Con): Liz, may I take you back to something you said about agencies pushing up the cost of child care? I noticed on your website that, as an organisation, you charge about £95 a year for membership, which includes insurance as well. Do you have any evidence to suggest that this pushes up the cost of child care?

Liz Bayram: We have asked our members. I think that it was actually Peter that was talking about this. We have put a lot of evidence to the Child Care Commission and the evidence we have from our members is that the things that drive their costs are the things that drive most families' costs, such as food bills—

Q226 Craig Whittaker: I am talking about your costs in particular as an organisation.

Liz Bayram: Childminders do not have to join us. It is a choice that they make to support their professional development. They can access training and other things like that. They are not required to join and we have no evidence to say that this increases the costs to parents. It is part of their demonstration to parents that they are committed to professional development and keeping up to date. I would say that the biggest message that our members give us is that their costs are petrol, food and equipment.

Q227 Craig Whittaker: I understand that, but the question was specifically about your costs as an organisation and how that puts up the costs of child care.

Liz Bayram: No, I do not believe so.

Q228 Craig Whittaker: So why, then, would you presume that agencies will push up the costs of child care too?

Liz Bayram: As far as we are aware, on the basis of the work we have done with quality improvement networks and local authorities, we are not talking about a fee of £90 or £80. It is quite a significant cost per childminder to deliver the type of quality improvement that Sue is

describing, unless we are talking about quality improvement that is a visit once a year by an agency. It is back to that business model, but we know that it is hundreds of pounds per childminder each year to support them with a range of training and development packages.

Q229 Craig Whittaker: Finally from me, do you have any evidence of how much that cost will be?

Liz Bayram: Of evidence for the agencies? No, because the models do not exist. I can give you evidence of how much it costs to deliver a quality improvement network, as described by Sue, because we deliver those for some local authorities. I am happy to provide that.

Q230 Craig Whittaker: You also as an agency deliver some of those benefits.

Liz Bayram: Quality improvement networks. I would disagree that what is described as a network run by a local authority for free for childminders to join is the same as what is described as an agency.

The Chair: We have five minutes before I bring in the Minister. Ms Powell, you want to come back on something. Very quickly, please.

Q231 Lucy Powell: Very quickly. It is not specifically in the Bill, but it is in the context of the Bill; we may try to bring it into the Bill. Can I ask each of the panel whether they support the loosening of ratios, as outlined by the Government recently?

The Chair: Sorry, that is not proper to the Bill, as you said in your question. You can say to us what you wish to say in evidence, but I am going to bring the Minister back with her question.

Q232 The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Jo Swinson): Thank you, Mr Havard. I wanted particularly to ask Mr Grigg about his organisation's evidence, which shows that there are particular problems in finding wraparound care around the school day. I understand that the Daycare Trust is aware that for people who are working out of hours or shift work it can prove difficult to find nursery provision to deal with that flexibility. What do you think the role of childminders is in meeting that need? Is there, in your view, a need for more childminders to meet those needs with more flexible working? How would it be best to increase the number of new childminders coming into the market and to help the existing ones remain?

Peter Grigg: There are quite a few things to think about there.

The Chair: Two minutes.

Peter Grigg: Here goes: first, in the cost survey, which we released yesterday, one of our questions is whether local authorities think they are meeting their statutory duty to provide sufficient child care across the board in all provision. We found that only one in seven local authorities say they have enough provision for disabled children. One example of where a real problem lies is with that specialist provision for disabled children. It is certainly possible that well-trained childminders can—they

already do—play a role in some of those areas. Increasingly, it is those more difficult cases where parents make the decision not to go back to work and stay at home to do it themselves.

There is certainly a case to be made that after-school care and childminder provision could be made better for certain areas and that there is not currently good enough provision. Whether that will lead to more childminders or not, I really do not know. The cost issue is an issue. I would just add to the previous comment that we are not only talking about the cost to the childminder for the agencies to work, but the additional cost to parents, who may be charged something like a finder's fee, if such an agency exists. The costs might go up.

Q233 Jo Swinson: What do you think would increase the number of childminders?

Peter Grigg: From our perspective, it is about getting a better financial offer direct to the parent, so that they can make the choice themselves about the appropriate child care for their needs. That includes childminders, but could also include nurseries. I absolutely recommend other bits in the Bill and the Government's policy to improve free entitlement, but we could go further with that. It would be fantastic if we did.

Q234 The Chair: May I go back to Ms Powell's question about what ought to be in the Bill that is not in the Bill? You have a minute and a half.

Liz Bayram: It was the ratios question. Focusing on childminding first, the upper limit of the ratio for registered childminders is not changing, and that is something that we worked very hard to persuade the Government not to do. The ratio for children under five is changing, and the proposal is that childminders could look after two babies, as well as two further children under five. We are asking our members what they think about that, and the reality from their perspective is that it is a hugely challenging thing to ask of somebody. Most of our members do not currently operate at the limits of the ratio requirement, because they understand the challenge of giving children one-to-one quality care.

Secondly, from their point of view, there is a particular concern around the numbers of children who might be looked after by new childminders, who are not required to pass qualifications before they start, and who may willingly take on this additional upper limit without really understanding the challenge involved—

The Chair: I am sorry; we have now exhausted the time that we agreed was available, so I have to terminate the session and we will move to the next set of witnesses. Thank you very much.

Examination of witnesses

Dr Roger Morgan and Kathy Evans gave evidence.

12.16 pm

The Chair: Welcome. As you saw with the last group, we have a finite period of time. Thank you for coming and for your contributions.

Q235 Lisa Nandy (Wigan) (Lab): Thanks to both of you for coming to give evidence to us today.

Roger, may I ask whether you have done any consultation with children about the provisions in the Bill, and whether they have any particularly strong views on any of its aspects, including the part about the Office of the Children's Commissioner?

Dr Morgan: Yes, we certainly have done some consultations—involving 2,000 or 3,000 children in total, added all together—specifically on areas of the Bill. I will give an overall statement and then a few specifics. Overall, what is in the Bill is pretty well consistent with the key views and concerns that children themselves have raised with us.

There is always a but, and the but is that there are specific nuances, interpretations and concerns about things going forward that children have raised—I hope, helpfully—on quite a number of the areas. If it would be helpful, I will run through those areas very quickly.

On adoption, I have two or three specifics. First, on speed of adoption, children say, "Yes, please—no unnecessary delays, but take as long as it needs." Sometimes, if you are trying to find an adoptive family for a sibling group, for example, it may need to take longer.

On fostering for adoption, there is general support from children. I am talking about children who have been adopted. I think that we had 429 surveyed, and a number of focus groups on top of that. There is very strong support for fostering for adoption, but not quite for the reasons given in the explanatory notes and policies that come with the Bill. The reason why children are keen on fostering for adoption is that they see it as a trial run for adoption—a trial period. That is an important concept, because there are debates around whether or not fostering for adoption might almost pre-empt the later adoptive decision.

Children, or the majority of them, are very clearly saying to us that they would wish that to be a trial period, at the end of which and before the adoption is finalised as a decision going forward, their experience—whether it works out, whether the parents can cope with them, whether they can cope with the parents—should very much become a decision point, so that is a watershed decision point.

The other point about adoption, which I have touched on, is in relation to siblings: trying to avoid the separation of siblings—there are all the issues, which they are also very aware of, about the availability of adoptive parents and so on—unless either it is inevitable or there are very definite reasons for doing so.

An additional point that the Committee may be interested in picking up is that if the plan—appropriately for the children—is to try to adopt siblings together and for practical reasons that cannot work out, quite a number of children have suggested that the adoption plan for each child involved should then be reviewed in the light of their not being able to be placed with siblings, with the possibility of their being placed perhaps with one sibling rather than a wider sibling group.

Whether we are talking about adoption or fostering, or children in care generally, questions are asked about the clarificatory clause—I acknowledge that it is a clarificatory clause—on contact. Children are very keen on that right, and they have put it forward as a right, although it is not in the UN convention as a right, for children, whether they are adopted, in care or looked after, to have contact and maintain contact with siblings,

birth parents, half siblings, step-siblings and grandparents, if it is safe for them to do so and if both parties wish, in a way that they wish.

The question that that leaves, and we have discussed this with some groups of children, is: what do we mean—I know this is in the current legislation anyway—about contact being subject to the overriding duty to safeguard and promote the welfare of the child? What do we mean by the word “promote” in that context? Therefore, on what appears in the secondary legislation and the regulations on how you interpret what is meant by promoting the child’s welfare, does it mean making sure that they are not going to come to harm and that there will be no damage to their welfare? Or does it mean that, on balance, it will add something, rather than being neutral? That is a very important point.

Nearly there—just one or two other quick points from children more generally on the issue of contact. Children are saying that maintaining contact is extremely important, as I have indicated, unless there is good reason not to maintain contact. But in some circumstances, particularly with adoption, contact can go both ways: it can be harmful, or it can be positive. The absolutely vital requirement, therefore, is to judge contact—I think the Bill allows for this, but it needs to happen this way—on the child’s individual circumstances, taking the child’s wishes, feelings and views, and those of anyone else with whom they may have contact, into account.

Finally, you will be pleased to hear—I am the outgoing children’s rights director, so this is after my part of the remit—we consulted children about the provisions on the commissioner. Overall, the provisions set out in the Bill are consistent with those views, with one small exception. A slight majority want the words “young people,” as well as “children,” in the title, but it was 55%, so the demand was only just there and it was not massive. The particular regard for children who fall into my current remit for both general regard and casework is very strongly supported by children, but a lot of children are saying that that should be available to other children, too. I report that as their comments, but I appreciate that, obviously, there are resourcing and capacity issues.

Q236 Lisa Nandy: That is really helpful. Thank you very much. It is pretty good to get through the whole Bill and a lot of children’s views in a few minutes.

Kathy, I have a question for you specifically on the Office of the Children’s Commissioner. I expect Children England, like us, welcomes the strengthening of the Children’s Commissioner’s remit, but Maggie Atkinson, in evidence to the Select Committee on Education, said that although measures proposed in the Children and Families Bill will make the commissioner more independent from Government, there are controls in place that continue to constrain the commissioner’s independence.

Do you think there is anything additional we could do to ensure that the Children’s Commissioner is a truly independent voice for children?

Kathy Evans: We do. I should clarify that Children England is a signatory to the alliance for reform of the Children’s Commissioner, which began in the aftermath of the 2004 Bill and the creation of the Children’s

Commissioner for England. There was then a very clear sense in the voluntary sector that the Children’s Commissioner required great strengthening. We are enormously pleased to see such a strong commitment to being overt about the children’s rights basis and the United Nations convention on the rights of the child basis, about which the previous legislation was extremely equivocal. Secondly, we are enormously pleased about the clear commitment to the significance of the function of an independent Children’s Commissioner in this country for one of the greatest sections of citizens for which the Government have responsibility, if not voting accountability.

There is nothing to which we object in the framing and strengthening of the commissioner. There are opportunities, we think, to strengthen it even more. Given that such an institution is rarely updated and reformed, it is an opportunity to do that and for members to consider ways in which to do it. There are three measures that our alliance thinks could strengthen the independence even more.

The first would be to place in the Bill a duty on the Secretary of State to have regard to the desirability of ensuring that the commissioner is under as few constraints as possible—in other words, to create a positive requirement on any Secretary of State in interaction with the commissioner’s office to be cautious of appearing to or actually guiding or steering the work of the commissioner’s office, whether that be the activities they undertake, the timetable by which they do them, or the priorities that they set, which we are quite clear should be driven by children’s needs, priorities and views.

The second would be to place in the Bill a greater expectation that parliamentary views should be taken into account within the appointment process. We also think that would be worth considering with children’s and young people’s views. The OCC has extremely consistently involved children and young people in the appointments, not just of the commissioner but of all the staff. That is excellent. We would just want a safeguard that that should continue. There would be the possibility of putting accountability to Parliament in appointment and reporting more strongly in the framework of the Bill.

The third is about independence. We know it is a difficult time to say this, but it is really important, if we are to create a strengthened commissioner with the powers that they have, to ensure that they have adequate resources to make those powers a real force for what they intend to achieve. I certainly do not want to suggest that we have a budget figure in mind, but if it is inadequately resourced to fulfil the key powers and functions that Government have laid out for it, it will not be independent, if it does not have adequate resources to do what it decides. We need to recognise that doing so for a country the size of England is a much more significant practical and financial demand than for the commissioners in the other three nations of the UK.

Q237 Bill Esterson: To come back to Roger Morgan and what you were saying about contact: you gave an either/or, an “on the one hand and on the other” response to what you would like to see the secondary legislation say. Can you be more specific about how you deal with the issue of judgment of what is in the child’s interest?

Dr Morgan: There are three specific points on that. First, to establish in the secondary legislation a real right to contact, with the only exception being, on the balance of probabilities, that it is going to be of harm to the welfare or safety of the child. There is a specific harm requirement.

Q238 Bill Esterson: Who judges that?

Dr Morgan: I will come back to the other two points in a minute. That will have to be a judgment made in court processes but there will also have to be local authority judgments of that, certainly in emergency and in direct care situations. So, the first point on specific requirements I would wish to see is a right, unless there is a positive harm point.

Secondly, that the determination of what contact means, its frequency, nature, location—very important—and whether it is supervised or not and so on, should very much be part of the overall determination. Some sorts of contact may be very good, others not for a particular child or relationship. That should closely take into account the child's wishes and feelings.

Thirdly, contact—its nature and reviewing of it—should be regular and largely based on the wishes and feelings of the child, and the person who they are having contact with. Views on contact, like views about many things, change over time and one of the things that often goes wrong, when securing a child's view on something, is that the child's view is sought and fed as a fixed constant into the decision making. All that will change our decisions, our views, our wishes and our feelings over time, and that is often missed out. As people get older, grow together and grow apart, contact is an issue where reviewing is extremely important.

Consequently, contact should be allowable and indeed a right under secondary legislation, as long as it does not add a specific promotion of welfare in the view, for example, of the local authority. As long as it is not harmful, and it is wanted are the two criteria.

Q239 Bill Esterson: You mentioned section 8 orders in what you put in writing to us. Will you explain what you meant by that?

Dr Morgan: It is just about within the scope of the Bill because there is an amendment to section 8 under the Bill. Under section 9 of the 1989 Act that restricts section 8 orders, a child who is in care—not a looked-after child generally—cannot have either a prohibited steps order or a specific issues order, which are the two that resolve particular issues in that child's life and could be matters of dispute between parent, in that case corporate parent, and the child by the dint of being in care.

Those are open, subject to the leave of the court, for other children. First, I should like a repeal of that part of section 9 under which a child in care cannot have access to a specific issues or a prohibited steps order. Secondly, a check should be made on whether legal aid might continue to be available for a child in that situation, and thirdly, it should be preserved that the child or someone on their behalf, such as an independent reviewing officer, might be able to apply for leave of the court. There is a gatekeeping aspect there.

Bill Esterson: So it is about putting the child in care on the same footing with a relationship with their parent, which in this case is the corporate parent.

Dr Morgan: It is exactly that, on the same footing. It is also saying the fact that you are in care as a child of the local authority, which has a statutory duty to promote your welfare, does not mean that you will not have disputes with that local authority as corporate parents, for example, over placement changes. Placement changes are statistically the largest issue that is raised with us by children in individual rights casework.

Jessica Lee (Erewash) (Con): Dr Morgan, I want to go back a step with your role. I know that you help many children each year, and give advice and so on, but can you give us a picture of how many children come within your remit each year? Can you give a couple of examples of the work that you do?

Dr Morgan: Obviously, my remit is wide as it includes all children looked after, and who are seeing social care and so on. The number of those who will contact my team for specific help and advice is running at between an estimated 250 and 300 this year. Last year was a peak year of 450, but I think that there were specific reasons for that. It was an unusually high year. The average is about 300 for contacting us.

A few facts: placement moves are the biggest single issue raised by children in care. The majority of our contacts are directly from children themselves, which is quite unusual and quite important. As for examples of action and what happens, a child may contact us saying, "I have been told that I am going to have to move from this placement. I don't want to. Maybe I have not been asked my views."

My team is dealing with a child who came in last night. The child said, "My IRO doesn't want me to move either." Sometimes there is an issue around factors that we do not know about or the child does not know about, of course; sometimes it may be that there are financial or policy drivers, and it is not actually to do with the child's best interests, particularly.

They are all different, but what we will typically do in that sort of case is, if at all possible, discuss it directly with the child concerned, so that we have their direct views about the issues. We will then take the matter up directly—I personally will do that—with the relevant director of children's services, initially by letter, advising on what the situation is at that moment, or as it appears to us, and what we think should happen; for example, I will advise on whether, in my view, it does or does not conform with the planning placement and review regulations, which is quite a significant point. We will also have advised the child, and we will tell the director of children's services that we have done that, sometimes even suggesting that there may be grounds for legal challenge; in that situation, we will broker a lawyer for the child—only broker, we are not a party to the challenge. We will always say very carefully but very genuinely, "Of course, there may be other factors that I don't know about; I only have the child's view on this." I am not investigating, nor am I advocating; I am raising the issue. What typically comes back is a change in the decision, such as a freezing while a complaint is resolved.

Q240 Jessica Lee: You have mentioned the role of the independent reviewing officer. In the past year that role has become more central to care plans, as we know.

Do you see that role as continuing to grow in its importance? It is pivotal, really, in care plans being continued after the court has finished being involved with a child.

Dr Morgan: Yes, I do. I have two grounds for that comment. One is that when we asked children last year through our annual monitoring whether or not they needed somebody apart from their social worker to pick up and deal with the sorts of independent monitoring and challenging issues that IROs deal with, 71% said that yes, they did need somebody other than their social worker. When we asked them what for, a lot of those children talked about making sure that reviews are carried out and carried out properly; also a lot talked about making sure that the local council is doing for the child what it should, and doing so in the light of the child's wishes. That is a vital area of IRO work.

If I could expand slightly, in response to children saying they need an independent challenge, I would like to see IROs having not independent management so much as a stronger independent stance, in being able to challenge care planning, and reviews and decision making, on behalf of the child. I would love to see independent reviewing officers having by law a statutory duty to challenge the local authority and a statutory duty for the local authority to respond to such challenges in the best interests of the child. I know that is nowhere near being in the Bill, but I wanted to raise it in response to your question.

Q241 Jessica Lee: How do you see children's needs being best met within the new remit for the commissioner's role?

Dr Morgan: I prefix this by acknowledging that the Bill rightly gives a very wide scope to the commissioner. I have a slight concern. The present commissioner knows about my role and so on; but when we are looking ahead some time, to another commissioner, or looking at possible further resources clamping, I worry about where some things—such as individual advice and assistance that we were talking about—might come. There is nothing wrong with the Bill and I have no concerns that the sort of things that are happening at the moment—the consultation work and the casework—will not continue, but I worry about whether there will be pressures in the long term. I share the view of John Dunford, when he did his review, and that of the DFE evidence papers that came out in the past week, that there is a risk of dilution of a particular function. I have said that consistently. I do not think that there is an immediate risk, but it could become an issue as resources bite, particularly as some things are not underpinned more in the Bill. I understand why they are not, because we are not trying to prescribe in the Bill—I would argue that it would be wrong to prescribe for a commissioner anyway, so I would be stuck if I had to argue that things should be further prescribed—but I have that worry. However, my functions are there in the Bill.

Q242 Charlie Elphicke: I should like to ask Dr Morgan some questions. Clause 11 makes provision in relation to parental involvement. Leaving aside issues of risk—of harm—would you think the starting point is that children should have the right to know and have a relationship with both their parents?

Dr Morgan: Two counts for one piece of evidence. First count, yes, that is part of the area of right that children have raised—that they would like, subject to the harm issue, to have the right of contact with birth parents, and that does mean both of them. Secondly, we specifically asked children, in relation to the policy developing for this Bill, whether they were in favour of both parents remaining involved in their lives, should parents separate. The bit of evidence is that the vast majority said yes, they would. But the third point is that they put a caveat in. They said, “if the child wishes.” Remember, we were talking about contact earlier—having the child's wish as well as the parents'. Their concern is that if it is only the parents' wish, but not the child's wish, then that should not automatically go forward. So the child's wish is critical in there. So yes, with that caveat from the children, with that evidence of having asked them.

Q243 Charlie Elphicke: Is it your experience in these cases that the voice of the child is actually listened to, when it comes to children seeing both their parents? Or at the moment are they often just ignored?

Dr Morgan: Three quick responses. First, generally and in most contexts, including court and care contexts, children are saying that their voices are not sufficiently listened to at the moment and not sufficiently weighed with those of adults and professionals.

Secondly, in relation specifically to court processes, children told us that they felt that their voices were not currently sufficiently heard in court processes.

Thirdly, children made the significant suggestion, which was accepted by the Government at the time, when we were asking them about the family justice review proposals, originally, and they were giving their verdict on those, that not only should the child's view be better represented—that is not easy; it involves all sorts of support, etc., for having their views carried forward into court, which they described as a very scary place—but that it would be a good thing if, after any court decision, there could be a follow-up, including the child's views, on how effective, harmful, positive that decision made by the court was for that child a year or two on. The Government said in response to David Norgrove's review that that was something that there could well be a pilot project about. That goes with the children's views and it is also looking at the other end of it.

Q244 Charlie Elphicke: Finally, on corporate parenting for children who are in care—or looked-after children—I represent the constituency of Dover in east Kent. London local authorities just dump children down the end of Kent and do not properly supervise them. Do you think that there is an issue there? Should children be placed closer to their homes or home area, so they can be properly supervised, and should corporate parenting change, so that the corporate parent should be the authority where that child is placed and located, to ensure proper supervision?

Dr Morgan: It may not surprise you, by now, that we have asked children about those points, too. First, yes, as a general principle, the children that we have asked, in the majority—I must be careful not to say all children—were saying that location and placement near home is the correct principle. But secondly—again, it will not surprise you—they were coming up with a number of

caveats to that. One caveat is that there can sometimes be a good reason for placing a child away from their local authority—to get away from particular peer group pressures, for example.

In terms of support, for a child the face of the corporate parent is very much the social worker. So what matters is the access you have to your social worker and your IRO, not necessarily which authority they come from. So there will be a pragmatic answer—I am interpreting now from what the children are saying, in response to you—which is that whichever authority is going to be better able to field an accessible social worker and IRO for that child is probably the best one to hold the corporate parenting function.

The final point from children about placing out of authority—we will be doing some more work on that in the coming year—is that if you have been placed out of authority, returning to your home authority is not a reason for breaking that placement. We frequently get contacted by children who say that their social worker has told them that they need to move back to their home area, not for a welfare issue to do with them, but in order to be placed home; in other words, it is a policy or finance issue. Once you have been placed out of authority, my rather crude summary of what children are saying on that point is that it is a needs-long placement.

Q245 Lucy Powell: I have a couple of questions, mainly for Roger, related to the previous question. Do you think that the new role of the Children's Commissioner should have explicit or non-explicit powers to go into children's homes to speak to all the children where there have been allegations of physical or sexual abuse in that home? Would that be a valuable addition to the Bill?

Dr Morgan: Yes, I think they should. My understanding is that they possibly have that power of entry under the Bill as it stands, although I may not be reading that correctly. If they have not, yes, that is something that I think should be within the commissioner's ability to do, not as a specific duty—a power—that the commissioner must do, because we are back into that not prescribing area again, but certainly they should have the power to do that. In my experience of situations in which there has been abuse in a children's home, or there has been some other major incident—not necessarily an abuse one, but perhaps a care one—it is very easy to focus specifically on the incident or the situation, or the child or the staff member involved, without necessarily casting the net wider in terms of the welfare, interests and concerns of the wider group of children, and indeed the other staff and perhaps the provider as well. So my answer is yes, if it is not already in the Bill.

Q246 Lucy Powell: Excellent. In the context of the announcements yesterday from the Crown Prosecution Service about listening more to child victims, especially in predatory sexual abuse circumstances, do you think there is a role for the Children's Commissioner in facilitating that listening, especially where we have children living away from home in care homes and there are predatory adults around?

Dr Morgan: Again, I am going to say yes, because I have the luxury of being the outgoing children's rights director. I can say the commissioner can do all sorts of things, and I know that there are resource constraints and so on.

Q247 Lucy Powell: What might that role be?

Dr Morgan: In practical terms, there is more than the commissioner for a child who is in a situation where they need their views put forward. Children tell us about a degree of choice about who and how you convey your views. Sometimes it may be that they would want to convey their views to someone they already know. For example, advocates who visit some children's homes have a very positive role. It may be a role that the commissioner can fulfil in some areas. It may be that they are not always the right person. There is the area of choice and selection there.

There are one or two other systems issues. Very briefly—I am aware of the time running—one issue is whistleblowing. I am not sure we are good at the moment at listening to adult whistleblowers in children's homes and other settings. So there is the issue of having the capacity for an independent voice and listening to whistleblowers as well. For children, every time I have asked children over the past 12 years who they are likely to go to first and confide in first when they have a concern, whether it is about abuse or something awful happening to them, the majority answer “another child.” So I think the level of awareness and taking seriously and listening to other children is extremely important. The extent to which we make sure that children themselves know what to do if another child conveys a concern, or they suspect abuse of another child, is absolutely vital, and I do not think we are dealing with that satisfactorily.

Kathy Evans: I agree on the latter point. The alliance is very supportive of the opportunity to create a children's rights duty on public bodies on the same basis as the equalities duty on public bodies. This is about recognising that, although we really need and want that strengthened Children's Commissioner and all that they can achieve—the Office of the Children's Rights Director has of course made such a difference for children—it is the state and society and all its bodies that are responsible for implementing children's rights, listening to children, taking their rights seriously and acting to make those rights a reality.

We think that all the powers of the commissioner would be significantly enhanced by a corresponding duty on public bodies, be that the CPS, complaints and ombudsmen's services or the Independent Police Complaints Commission. We think that, because of the many difficulties and failures to date to take serious regard of children or make complaints processes amenable and operable for children, we would start a culture change process by being clear that it is not simply children-specific organisations that need to have regard to the UNCRC; it is our society and all its public bodies.

Q248 Steve Reed (Croydon North) (Lab): Are there ways that we could seek to further empower children in the process by looking at mutualising aspects of the adoption service so that children in care, or their representatives, have direct control over elements of the service?

Dr Morgan: In my view, that is a mixture of a delivery model issue and a children's voice issue. I am not personally convinced that the delivery models are the critical factor to the children's voice input. You used the term “children in care, or their representatives”. One of the key issues for children who are looked after, for vulnerable children more generally and, very specifically,

for children who are involved in adoption, is the need for that particular child to have their input, say and involvement in (a) decisions about their own life, future and placement, and (b) the development of that service.

I suppose that I could claim to some extent, through the children's evidence that I have been presenting to this Committee, to have developed a bit of a model that is nothing to do with the delivery model, but is to do with ensuring that children who have been adopted or are going through the process of adoption have a voice about their own experiences, in terms not of their decision making for their case, which is not my brief or remit, but of how adoption and adoption legislation should develop further. So it is more about trawling as many views of children as possible into that, rather than necessarily a representative process.

Q249 Steve Reed: What I had in mind was whether a mutualised model that had children actively involved in decision making would ensure that greater attention was paid to the views of every single child because they would be making that part of the process.

Dr Morgan: Inasmuch as that applies to the involvement of the children in individual cases, yes. If it is more broadly about the general service, obviously we go back to the representativeness point.

Q250 Steve Reed: Another quick point on post-adoption support. Presumably you support the provisions, but do you have a view on how deliverable they will be, given the uncertainty around the future funding of local authority budgets?

Dr Morgan: Yes on both. We have discussed that with children—it was one of the issues that adopted children raised in relation to adoption. As one said: "Adoption is not the end of it; it is the start of it." Post-adoption support is needed after adoption for that child, and may be needed for some time after that, perhaps years later. So I absolutely support the post-adoption support provisions and intentions.

In terms of the local government budget issues, obviously that is then going to be a limiting factor in terms of support, so it leads me to say that there is an issue of availability and access to support, as well as an issue of the total volume of support. The slightly chilling thing that I would say, which comes directly from what children have discussed and is something I am about to look at with them, is that we need to look at the relationship between post-adoption support for children and adoption breakdown. I have just started fieldwork to identify children who have had to return to care after adoption, asking them what support they got pre- and post-adoption, what support they thought they needed, and whether they thought there was any particular support that might have prevented that breakdown. Breakdown is a cost, too.

Q251 Steve Reed: So, a move to prevention. I have a final little point to make. Do you have any views on the proposed power to ban named local authorities from recruiting and approving their own adopters?

Dr Morgan: Not directly. It is certainly not something I have discussed with children. I saw that first in the Bill. My understanding is that that provision is primarily not

so much driven by a wish to ban local authorities but to expand the recruitment of adopters. I may be over-interpreting the intentions there.

Q252 Steve Reed: I read it to mean that the Secretary of State could direct a particular local authority no longer to run its adoption service, which would take the main provider out of the market in particular areas where there may not be capacity in the third sector. I wondered whether you had heard or shared a similar view.

Dr Morgan: I think I would go slightly beyond my awareness of what I had heard or shared there.

Kathy Evans: May I make a brief comment on the voluntary sector aspect of the funding for adoption services? There is a sustained issue about the extent to which voluntary sector adoption agencies fundraise from private donors to top up the true cost that they incur in providing the quality of service that they do. I am not here to suggest that that is necessarily a wrong thing. It is one of the strengths that the voluntary sector brings. We need to be clear in thinking about the state's capacity and current budget spend on adoption placement fees and potential spend on adoption and post-adoption support. Currently there is a significant aspect of subsidy for the total cost of adoption and fostering placements that is being met through charitable fundraising by the voluntary and community sector. In the event that you describe, that would be quite a serious implication, if it were to be handed over to voluntary and community sector capacity that was not there.

Q253 The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson): Dr Morgan, may I take you into one aspect of the Bill that you have not mentioned? It may be that you did not take views from children about it. It is the clause to try to improve the educational attainment of children in care through the statutory duty on local authorities to have a specific officer, normally named a virtual school head, to promote their educational attainment. From the views you have taken from children in the care system, what value have they placed on their education? Have they commented on the current provision and whether they would support the proposal in the Bill to put the virtual school head on a statutory footing?

Dr Morgan: That is not a clause we specifically checked out with children. However, I do have children's views relevant to that. First, overall, yes, the children in care we consulted consistently and strongly valued their education. I suppose I could summarise overall by making two points. They have said, because they are in care, they do change placements, which involves changes in schools. That is not always a bad thing but it involves disruption or a change in their educational progress. They do need support at school and there is generally a positive statement about the concepts of a designated teacher in the school and a virtual head looking out for monitoring and supporting them. They often wish to have support that is positive and helpful but does not make them stand out. That is quite a task for virtual heads and designated teachers on the ground.

My concern, which is one I know you have heard from some children, is about the lower level of awareness that one would wish about the presence of designated

teachers in their schools and the role and presence of a virtual head. The conclusion I would draw from children's views on that part of the Bill is, yes, it is consistent with what children have said, it is in the right direction, it is supportive to extend and make compulsory overall the provision of a virtual head. I know it does not specifically then talk about designated teachers but that goes with it as a package. Support without standing out and far more awareness of the roles and existence of those particular posts for children need to go with it.

The Chair: Thank you very much. It is my duty to bring this sitting to a conclusion. Thank you for your help and co-operation. The Committee will take further evidence at two o'clock.

1 pm

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.