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GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND FAMILIES BILL

Fifth Sitting

Tuesday 12 March 2013

(Morning)

CONTENTS

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Saturday 16 March 2013

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: Mr Christopher Chope, † Mr Dai Havard

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

Steven Mark, John-Paul Flaherty, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 12 March 2013

(Morning)

[Mr Dai Havard *in the Chair*]

Children and Families Bill

Written evidence to be reported to the House

CF 19 Local Government Association

CF 20 Fiona Nicholson

CF 21 Association of National Specialist Colleges

CF 22 TCCR and One Plus One

CF 23 Independent Parental Special Education Advice

CF 24 UNICEF UK

CF 25 Association of Directors of Children's Services

9.25 am

The Chair: Before we begin, I would like to make a statement on how we have agreed that we intend to proceed in Committee. The selection list for today's sitting, which is available in the room, shows how the amendments selected for debate have been grouped together for debate. Amendments grouped together are generally on the same or a similar and related issue. The Member who has put their name to the leading amendment in the group is called first; other Members are then free to catch my eye in order to speak to the amendments in that group. A Member may speak more than once, depending on the subjects under discussion. At the end of the debate on a group of amendments, I will call the Member who moved the lead amendment again. Before they sit down, they will need to indicate whether they wish to seek to withdraw the amendment or to seek a decision. If any Member wishes to press any other amendment in the group to a Division, they need to let me know.

I will work on the assumption that the Government wish the Committee to reach a decision on all Government amendments. Please note that decisions on amendments take place not in the order they are debated, but in the order in which they appear on the amendment paper. Where it is not already indicated on the selection list, Mr Chope and I will use our discretion to decide whether to allow a separate stand part debate on individual clauses or a separate debate on schedules.

We will not necessarily get to that position today, but at some point during our proceedings we may need to operate that part of the procedure. I therefore wanted to explain it now, so that it is written into the record, and Members can consult it later on. In that way, everyone ought to be clear—both yourselves and members of the public with an interest who are watching—how we intend to proceed with a Bill that is large in extent and quite complex in some of the areas it addresses. Now I have said all of that, we will begin our line-by-line consideration of the Bill.

Clause 1

Placement of looked after children with prospective adopters

Lisa Nandy (Wigan) (Lab): I beg to move amendment 3, in clause 1, page 1, line 8, after '(9A)', insert 'Subject to subsection (9B)'.

The Chair: With this it will be convenient to discuss the following:

Amendment 11, in clause 1, page 1, line 9, at end insert

'and are satisfied that a placement falling within paragraph (a) of subsection (6) would not be consistent with C's welfare'.

Amendment 12, in clause 1, page 1, line 12, leave out '(7) to (9)' and insert '(7)(c), (8)(a) and (9)'.

Amendment 5, in clause 1, page 1, line 12, at end add—

'(9B) Before considering placing a child with a foster parent who has been approved as a prospective adopter, the authority must consider as part of the permanency plan for C, placement with carers who could become the child's permanent carers where this is in C's best interests.'.

New clause 4—*Continuity in the arrangements for the people with whom a child is to live*—

'(1) In section 1 of the Children Act 1989, insert the following after subsection (2A)—

"(2B) In any family proceedings, unless the contrary is shown, a court is to presume that continuity in the arrangements relating to the person or people with whom a child is to live will further the child's welfare.".

(2) In section 22 of the Children Act 1989, insert the following after subsection (3)—

"(3ZA) A local authority is to presume, unless the contrary is shown, that continuity in the arrangements relating to the person or people with whom a child looked after by that local authority is to live will help to fulfil its duty under subsection (3)(a) to safeguard and promote the welfare of that child.".'.

New clause 11—*Pre-proceedings work with families*—

'(1) Section 47 of the Children Act 1989 (Local authority's duty to investigate) is amended as follows—

(2) After subsection (12) insert—

"(13) Where, as a result of complying with this section, a local authority concludes that a child may need to become looked after in order to safeguard and promote the child's welfare, the local authority must, unless emergency action is required,—

(a) identify, and consider the willingness and suitability of any relative, friend or other person connected with the child, to care for them as an alternative to them becoming looked after by unrelated carers;

(b) offer the child's parents or other person with parental responsibility a family group conference to develop a plan which will safeguard and promote the child's welfare.".'.

This group of amendments and new clauses broadly relates to continuity of care and efforts to keep looked-after children within their biological family.

Lisa Nandy: Amendments 5, 11 and 12 and new clause 11, which stand in my name, are designed to ensure that we do not tilt the playing field against the right placements and long-term outcomes for individual children. They would ensure that all placement options are considered, not just one.

Fostering to adopt, like concurrent planning, is an important form of care. The Opposition agree with the Minister that providing stability for children is an urgent priority. In fact, I go further and concur with the view of Barnardo's that stability should be seen in its own right as a safeguarding factor for children in the care system. For some children, fostering to adopt placements can be a very effective way to provide a loving home as soon as possible. No Government should overlook the importance of that. The previous Government placed a great deal of emphasis on the importance of not moving children frequently in the work done through the social exclusion unit, which was in the Office of the Deputy Prime Minister. That work had important implications for children and teenagers. Many children can and do overcome the harm that is done to them when they are moved too frequently in their early years; we should never forget that, but we should seek to prevent the problem at all costs.

Other forms of care, however, might be right for a child. I agree with the sentiment that the Minister has expressed that there should be no hierarchy of placement. I am concerned that asking social workers to consider fostering to adopt in primary legislation without mentioning other forms of care risks giving it undue prominence over those other forms of care. In the words of Action for Children, we need

"a system which has at its heart a drive to find the right placement for each individual child, rather than creating a false hierarchy of care—where adoption is interpreted as being the preferred care option."

That is important because evidence suggests that when similar groups of children are considered, there is no difference in outcomes for children in foster care or special guardianship. Some of the amendments before the Committee on kinship care relate strongly to special guardianship.

9.30 am

In practice, I share the concerns expressed by charities and by Nagalro—the professional association for children's guardians, family court advisers and independent social workers—that the clause could divert attention away from investment and consideration for other forms of care. It is important that the Committee considers that, given that 75% of children in the care system are currently in foster care, 4% are placed for adoption and 9% are in residential care. The figures are so stark that, even if Ministers' efforts to increase the numbers of adoptions are dramatically successful, the fact will remain that the vast majority of children are in other forms of care. If the real world, practical impact is to place undue emphasis on and to direct scarce resources towards fostering for adoption and adoption placements, many of those children will have a problem. In the words of the Who Cares? Trust,

"the Government's current focus creates a grave risk that, in a drive to increase the number of children who are adopted, policy making for children in care in England is becoming the poor relation. The logical consequence is that local services will disproportionately divert their focus and resources towards a minority of the children in their care, leaving others at risk of continued poor outcomes."

That is important because, as we heard in the oral evidence sessions, fostering to adopt placements are labour intensive, like the concurrent planning placements before them. That worries me because, at a time when social workers are under pressure, it diverts attention away not just from children in the care system, but from pre-proceedings work with birth families. My amendments would address that.

The Association of Professors of Social Work says that

"there is a risk that the emphasis on adoption will undermine the progress that has been made in recent years in providing stability and a sense of belonging in foster families. This will especially be the case if at a time of reduced resources (including a shortage of experienced social workers) these are diverted towards adoption which will always be the placement of choice for only a minority of care entrants. A very small number of children may benefit, but the welfare of a very large number of children may well suffer."

The Committee should consider that carefully in relation to the clause and my proposals. I also share the view of the House of Lords Select Committee on Adoption Legislation that enabling children, where possible, to stay with their birth families is incredibly important to the children and their wider family, notwithstanding the fact that, tragically, for some children, that will not be the right option, because it is not safe and not consistent with their welfare.

Adoption is the most radical form of interference in family life. The UN guidelines on alternative care for children make that clear:

"The family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling the child to remain in or return to the care of his or her parents, or when appropriate, other close family members."

The pendulum should not be allowed to swing too far. Children's relationships with their birth families matter, but the clause worries me in that respect because it specifically exempts the local authority from having to give preference to a relative, friend or person connected with the child, as required by section 22C(7) of the Children Act 1989. The clause asks the local authority to consider a fostering to adopt placement, perhaps from pre-birth or the first week after the child is born. As a result, there is little time to consider kinship care arrangements.

Grandparents Plus says that even in the current system, it is common for wider family to be overlooked. If the parents are considered to be dysfunctional, it is assumed that the grandparents will be too, and the paternal family are almost invisible—they are simply not considered. We know that kinship care has important benefits for children. Grandparents Plus is concerned that grandparents are not always given the prominence that they deserve in the current system. It is concerned that there is no duty to consider grandparents in the clause, and that the situation may get worse, not better, as a result.

The clause as drafted is very different from the Government's original proposals, which envisaged that children would be placed with prospective adopters when the local authority was satisfied that the child ought to be placed for adoption, and when it had identified suitable adopters who were also approved as

foster carers, but when the adoption order had not yet been granted by the court. Many people thought that was a sensible proposal, including the House of Lords Select Committee. The clause is very different, bringing forward the point at which the duty on local authorities to consider placing a child in a fostering for adoption placement begins, and widening the application of the scheme to children for whom adoption is only being considered as an option.

I agree with the Children's Commissioner for England that such an approach risks pre-empting a court decision. It is hard to see how a court could overturn a decision once the child has become settled, because by then it would be contrary to the child's welfare to break those attachments. The Association of Professors of Social Work points out that very few children who are placed into concurrent planning arrangements return to their birth parents, so it is not hard to envisage a similar situation with fostering to adopt placements. The Family Rights Group is right to argue that that represents a fundamental shift in the relationship between family and the state.

The clause removes an important safeguard. On Second Reading, the Minister said that fostering to adopt placements were subject to section 22C of the Children Act 1989, which requires the local authority to give preference to a relative, friend or someone known to the child, and to place the child within the local authority area, but the Bill exempts the local authority from those safeguards. The Lords Committee raised serious concerns about the clause and says that it may breach articles 6 and 8 of the European convention on human rights—the right to a fair hearing and the right to family life—because it does not give the birth family a proper chance of being reunited with their child.

Andy Sawford (Corby) (Lab/Co-op): Has my hon. Friend considered the evidence from the Coram foundation that it is preferable to place a child within the wider family in most cases, as is allowed for under the Children Act? Does she share my hope that the Bill will allow for that in future?

Lisa Nandy: Coram has been incredibly helpful in the debate; it has significant experience and expertise in dealing with children who are placed in concurrent planning arrangements. It is striking that the voluntary adoption agencies speak with one voice on the matter: they believe that pre-proceedings work with families is very important. I share the concerns of the Lords Committee that the proposals might not give birth families a proper chance at reunification and could result in the child being put into the wrong placement. I have seen for myself the vulnerability of some of the parents in court proceedings. I sat in the family courts for several days, where I saw a combination of learning difficulties, disability, poverty, domestic violence and mental health problems.

Andrea Leadsom (South Northamptonshire) (Con): Does the hon. Lady agree that parents who may themselves be emotionally disturbed in some way often need support to be able to meet their baby's attachment needs, in other words, to help them become good enough parents? Does she agree that we could go further in enabling that support to be made available?

Lisa Nandy: I am grateful to the hon. Lady because she highlights an important point. This is happening at a time when families are under pressure and their support is being squeezed. I say that not to make a party political point—we are all aware of the economic realities—but because it is something that concerns me. We need to get much better at supporting families to stay together. We should support mothers in particular, but also fathers, so that they become their families' best teachers.

Andrea Leadsom: Actually, there could be a cost saving to the state, because the cost of taking children into care far outweighs the cost of supporting them to stay with their birth families.

Lisa Nandy: That is very helpful. For 10 years before I entered Parliament I worked with children and young people in the voluntary sector, including many children who, for whatever reason, were not able to live with their birth families. It was still a source of ongoing pain for them, even when it was the right decision. The hon. Lady is right that there could be a cost saving, but there could also be an emotional saving.

I was talking about the vulnerability of some of the parents whom I saw in the family courts system. In the light of that, I am concerned about how the clause—however right the intention—will work in practice. I am particularly concerned about instances when a mother or father agrees that their child can be accommodated under section 20 of the Children Act 1989, when there is no court process and no legal aid. It is often the lawyer who explains to the parents the significance of the decisions. I have seen the power of how that works, and what a good lawyer can do to help parents come to terms with the decision that is made about the child. Even when the right decision for the child is to take them away from their birth parents, it is incredibly important for the ongoing relationship of the parents and the child that the parents have the opportunity to understand and come to terms with the decision. I am not convinced that the parents will understand the implication of allowing a child to be accommodated under section 20 and put in a fostering to adopt placement, particularly given the concerns that the Children's Commissioner for England raised about whether that might pre-empt the court process.

The Family Rights Group gave two scenarios, which are worth the Committee's consideration. The picture it painted is not unlikely, in my view, given the cases that I have seen in the family courts. The first example it gave is a mother who could be asked to consent to her new born baby being placed with prospective adopters on a temporary foster care basis, even though her formal consent to placement for adoption could not lawfully be given until her baby is six weeks old. Such consent to placement for adoption is valid only if it is witnessed by a Children and Family Court Advisory and Support Service officer, who is required to encourage the mother to take independent legal advice before signing. However, that process does not apply when the mother is being asked to consent to section 20 accommodation in a fostering to adopt placement.

The second example the Family Rights Group gave is similar—although slightly more extreme—to a case I have seen. A parent might feel coerced into agreeing to their child being looked after by the local authority.

It cited the case of re CA—a baby—in which the baby was removed immediately after birth under a section 20 agreement:

"The mother knew of the local authority's plan beforehand and had 'demonstrated submission but not consent to it'…She had initially refused to consent to the section 20 agreement…but when approached again, after being medicated with morphine, she consented."

That concerns me, not solely because of the rights of birth parents, but because of the rights of children to have a decent chance to live with their birth families, if that is in their best interests. The clause, as drafted, does not enable that. It gives undue prominence to one form of care over others. In saying that, I echo concerns raised by the House of Lords Select Committee on Adoption Legislation, Grandparents Plus, the Family Rights Group, the Who Cares? Trust, the Adolescent and Children's Trust, the NSPCC, the Children's Commissioner for England and the Fostering Network, among others. There are families today who live with the scars of bad adoption decisions. The clause runs a serious risk of recreating that pain for another generation.

It is also worth noting that there is a proposal in the Social Services and Well-being (Wales) Bill that takes a different approach. The safeguards that I mentioned relating to birth families and other arrangements in section 22C of the Children Act 1989 apply before a fostering to adopt placement. That is why I asked the Minister to reconsider the wording of the clause, especially the decision to exempt subsections (7) to (9) of section 22C.

9.45 am

It is also worth considering the Minister's explanation, which was sent to the Committee yesterday in a series of policy statements. He explains that when the local authority is considering a fostering to adopt placement, the duty to give preference to a kinship care placement is disapplied. The statement goes on to explain:

"This is because where adoption is a realistic possibility or probability for the child, it cannot be assumed in every case that keeping the child within the wider family is necessarily the most appropriate option."

It continues:

"We should be clear, however, that the intention is not to displace the duty to consider kinship placements, and local authorities are required, before they place a child in a fostering for adoption placement, to have considered whether a placement with relatives would be the most appropriate placement for the child and have given preference to that placement if that is the most appropriate placement available."

The policy statement goes on to articulate that some more. I will spare the Committee a reading of the full section, but it is worth having a look at it. If anything, it makes the situation less clear, not clearer. If the intention is not to displace the duty to consider kinship placements, that should be clear on the face of the Bill. It would be welcomed not just by the Opposition but by children's organisations more widely and many others. That is also why I would like to see more work done with the birth family pre-proceedings, which is the purpose of new clause 11.

Lucy Powell (Manchester Central) (Lab/Co-op): Going back to the point that my hon. Friend was making about kinship carers and the additional guidance that we received from the Department yesterday, is it not also the case that in many scenarios, the potential kinship carer does not want to be considered for adoption for various complex reasons within the family, but is prepared to provide a permanent placement for the child, which could be the best option for them in the long run? Where a local authority considers that a birth parent is unsuitable in the long term and the child therefore needs a more permanent care scenario, kinship care is often still the best option, rather than permanent adoption elsewhere.

Lisa Nandy: That raises two points. The first is how important it is to ensure that there is no hierarchy of care. As I said in my opening remarks, for some children, long-term foster placements, special guardianship arrangements or even residence may be the right response.

The other point is that we must ensure that the speed with which it is done and the safeguards built into the system are strong. One point made by many organisations that have discussed the issue with us is that members of the wider family may not come forward immediately to care for the child. They may be deterred from doing so by a sense of loyalty to the birth parents, and they may not want to offer themselves in case it increases the likelihood that the child will be taken away from the birth parents. It is incredibly important that we do not rush into decisions about permanence for children before those decisions have been properly thought through. I am grateful to my hon. Friend for those comments.

As I said, I would like to see more work done with birth families pre-proceedings. That is the purpose of new clause 11. The Bill as a whole places more pressure on pre-proceedings work. We do not disagree. Certainly, in principle, we support the notion, as powerfully stated by David Norgrove, that more work should be done before a case comes to court so that the decision is not only right for the child but can be made much more quickly. However, I am concerned about the pressure that that places on pre-proceedings work in the context of the clause and of huge cuts to children's services, which we heard in oral evidence have reached 40% to 50% in some areas. Nearly eight in 10 social workers now say that their case loads are unmanageable. In evidence to the Committee, the Association of Directors of Children's Services indicated that that would work in some areas, but might be problematic in others where work needs to be done pre-proceedings and the infrastructure is not necessarily there.

Children should not face a postcode lottery when it comes to the right decision about a permanent placement for them. What is the Minister planning to do to address the pressure on children's services in the light of the clause, and bearing in mind the intensity of fostering for adoption placements and the amount of pressure that it places on the children's work force? We have a very short time to get it right for children.

I am also concerned, as I mentioned to the hon. Member for South Northamptonshire, about the measure in the context of support for families being stripped away. We have seen huge cuts to the early intervention grant, which was an important source of support and intervention for families in stress. Recently, the Minister decided to take another £150 million more from that grant to pay for the adoption reforms. We welcome the adoption reforms, but surely the Minister can understand

[Lisa Nandy]

why I and so many children's organisations are concerned about giving a child the ability to remain in their birth family where that is in their interests.

It tilts the balance away from the birth family if support is not there. Our aim is simply to ensure that, whatever the right form of care for a child, we invest to help them receive it. In the words of the Lords Select Committee on Adoption Legislation:

> "All routes to permanence merit equal attention and investment...It is permanence that is important, rather than the particular 'type' of permanence that is chosen."

I hope that the Minister will seek to allay some of the concerns that I have raised today.

Andrea Leadsom: I am grateful for the opportunity to make a few short remarks on the support that is or is not given to birth families before a decision is taken on whether to allow their child to be adopted. As the hon. Member for Wigan said, very often when parents are before a judge who is making a decision on whether to take their child away, they sit there, incredibly vulnerable themselves, in the dock, perhaps not even fully understanding what is happening to them. With more than 13 years' experience in parent-infant psychotherapy and the support that can be given to families who are struggling to form a secure bond with their infants, I know there is a lot more that the state could do to help the small number of babies—about 700 a year—who are born already on the child protection list. In other words, social services, for various reasons, are aware that there is likely to be a problem with a child before it is even born.

It ought to be possible, even as a pilot scheme, for resources to be made available to support the mother through her pregnancy and beyond so that she can understand what it takes to be a good enough parent and spare her—and by extension, the taxpayer—the emotional devastation and financial cost of so many children who come into the care system. Unfortunately, as we know, they have generally poor outcomes in terms of their educational and lifestyle achievements. The cost to the taxpayer from criminality, drug misuse, homelessness and mental health problems are enormous and often linked to attachment problems stemming back to babyhood. I have not tabled an amendment at this point.

Lucy Powell: I congratulate the hon. Lady on her long campaigning on this issue. She raised important points during the oral evidence sessions, and I welcomed that. I strongly support what she is advocating. My only question is about the resourcing of such a scheme, which I absolutely agree would more than pay for itself in the long run. What we are seeing at the moment with the removal of grants from the early intervention funding, and other support coming away from early intervention and children's services, is the opposite in terms of resourcing. Perhaps she will implore her Front-Bench colleagues to look again at the resourcing of some of those important pilot projects.

Andrea Leadsom: The hon. Lady makes a good point, but as chairman of the all-party group on Sure Start children's centres, I genuinely believe that children's centres remain well resourced, albeit at a lower level, as is the case across the public sector. I would call for more focus on the perinatal period.

About 700 babies are born on to the child protection list each year, so it is a neat, enclosed group with which to carry out a pilot whereby talking therapies and psychological therapeutic support are made available to pregnant mums, where there are severe concerns about the likelihood of their being able to take on a nurturing and caring role for their baby. If we could ensure that some of those 700 babies each year do not have to be taken away from their family and put into a far more expensive system, with potentially far worse outcomes for those children, it would be very worth while. Because of the relative smallness of that group, the impact would be small both on the public purse and on the limited resources available to tackle such issues.

I urge my hon. Friend the Minister to consider whether, as well as introducing this important Bill, there is something we can do to ensure that we give parents about whom we know there are concerns the right amount of support to give them the chance to become good enough parents, thereby introducing not only the stick but the carrot.

Bill Esterson (Sefton Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Havard, and I look forward to doing so over the next few weeks.

I shall speak to new clause 4, which is about the desirability of continuity of arrangements for the people with whom a child is to live. As my hon. Friend the Member for Wigan said, at times in this country we have a false hierarchy of care in which adoption is seen all too often as the gold standard, followed by fostering, followed by children's homes, with other forms of care, such as kinship care or special guardianship, sometimes not considered at all. The reality for children going through the care system is that what is most important is what is in their interests, depending on their needs. Over the years, that has sometimes been overlooked and neglected, in the same way as the children themselves have been.

My new clause would promote the importance to children of security, stability and the opportunity to form stable attachments, especially to vulnerable children who end up in the care system through no fault of their own, many of whom have had the most appalling start in life. The new clause is about the primacy of children's needs and rights. On Second Reading, I was pleased to hear the former Minister, the hon. Member for East Worthing and Shoreham (Tim Loughton), who is one of the Bill's main architects, say that the primacy of the child is protected throughout the Bill.

Pat Glass (North West Durham) (Lab): My hon. Friend is a fellow member of the Select Committee on Education, which considered this in great detail as part of its child protection review. I know we are talking about younger children here, but one of the findings of that review was that far too many children, particularly older children, are left in neglectful and damaging situations for far too long, while adults sort out adults' problems.

10 am

Bill Esterson: My hon. Friend worked with children for many years and has a wealth of experience. I am sure that we will hear more from her in the coming

weeks and that the Government will listen carefully to what she says. She has far more background and expertise than perhaps all other the Committee members put together. I hope she is not embarrassed by my praise, which she deserves.

I am glad that my hon. Friend mentioned older children and the damage that is done to them. Last Friday, I met two men in their 30s who are in prison. One is serving a life sentence for being involved in a murder, and the other is serving a much shorter sentence for being involved in burglary. I went to see them because both were in care when they were children, and both were horrendously abused and neglected. One was in the Bryn Estyn children's home in north Wales. I will not put on the record the graphic account they gave me, but suffice it to say it was an appalling record of maltreatment by adults for many years. It was shocking to hear of the severe mental health problems those two men are suffering from, 20 or 25 years after the event. One was severely brain-damaged by the assaults that he experienced in care.

We no longer have Bryn Estyn, and children's homes where there is daily abuse of the kind that was going on in north Wales, but we know that there are still problems in children's homes. There have been recent scandals, such as the one in Rochdale. As my hon. Friend the Member for North West Durham said, there is still a big problem. If we look at the results, people in their 30s who suffered that abuse are now in the criminal justice system. They are violent offenders who know the damage that they have caused to people in their lives, and who understand what has happened to them. The way that they were treated when they were children led them into a life of crime, because the only people who showed an interest in them were career criminals who took them under their wing when they left care or ran away from the abuse they were experiencing.

There is no suggestion that things are as bad now as they were then, but an awful lot in our care system needs to be improved so that young people do not end up in prison, with mental health problems, with no qualifications, unable to get jobs, and finding it almost impossible to form stable relationships as they grow into adulthood. It was a troubling experience for me to meet those young men, and it was a salutary reminder, as we move to the debate stage of the Committee, of what can happen if we do not get the care system right for young people. That is why I thought it important to put on record what I found when I met those two men.

If we start with the end in mind, it may give us some clues about what needs to happen if we are to avoid the wrong end, and to ensure the best possible outcome for children who go through the care system. We need continuity, which is why new clause 4 is important. My hon. Friend the Member for Wigan referred to concerns that fostering to adopt could unintentionally do the opposite of what is hoped and expected of it. We certainly need to get it right as far as possible to ensure that children form attachments and have stability as soon as possible once their family is identified as having problems and they are taken into care. The submissions we have received tell us that fostering to adopt should certainly be considered, but it needs to be done with great care. We have to get it absolutely right.

We had some very good evidence sessions last week. A number of comments were made about the value of fostering to adopt, but also about how it might be improved. Kevin Williams of TACT said that he would like foster carers, particularly those with permanent placements, to be considered for adoption—that would be a way of improving adoption. He said:

"There is a missing part of the Bill"

in which

"foster carers for children who are currently in foster placements"

could convert

"to adoptive placements".—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 21, Q48.]

I mentioned the welfare of the child being paramount, and that is exactly what Dr Homden spoke about in the evidence we heard from Coram. She said that

"the decision-making process…is often elongated,"

and can

"impact on the welfare of the child negatively, even if the child is technically safe. The child's other experiences in terms of multiple placements or the level of contact may continue to be harmful."—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 23, Q54.]

That is why it is so important that decisions are made in a timely way, rather than too speedily. Those are some of the concerns that show why we must get this absolutely right.

Both TACT and Coram mentioned concurrent planning and made the point that it has been very successful historically; it shows how a balanced approach can be taken. Adoption can be considered in a foster placement at the same time that final decisions are being taken about the options mentioned by my hon. Friend the Member for Wigan—options to do with kinship care or the birth family—before they are dismissed out of hand. At all times, the long-term interests of the child are put first.

Lisa Nandy: My hon. Friend prompts me to make a point that I forgot to make earlier. Under the new legal aid rules, a family member who wants to apply to court for a residence or special guardianship order to take on the child can apply for funding only if they can show evidence of child abuse, unless there are existing care proceedings to which they are, or will be, a party. That causes me concern, because if they come forward at a later stage and work has not already been done with the wider family to see whether there is somebody willing to take the child on, they will not be eligible for legal aid, except in child abuse cases, and even where they are eligible, it will be means and merits-tested. If the child is already in a foster for adoption placement, does my hon. Friend agree that a family member might be refused on merits grounds, because they have little chance of success, which will make it even more difficult for the child to be considered for placement with the wider family, and to have the continuity that he talks about?

Bill Esterson: That is an important point. My experience has been that in financially constrained times—we have had financially constrained times in social care for a very long time; it is not a new problem, although it has got a lot worse in the last couple of years and will continue to worsen—decisions are often taken on the basis of financial resources. One of the problems with

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that is that the cheaper option is not always the option that is in the best interests of the child. I am keen for us to take the opportunity that the Bill gives us of ensuring that the primacy of the child trumps absolutely everything, including short-term financial constraints.

Everyone on the Committee would agree that we want to put the needs of the child first, but we must also consider the long-term financial costs. I mentioned the two men who are in prison because of the human misery for them and their victims. They are victims, but they also have victims of their own. There is the sheer cost of people committing crimes and ending up in prison, and of the whole criminal justice process. The cost of getting it wrong far outweighs the cost of getting it right, so my hon. Friend the Member for Wigan is absolutely correct to make that point.

I looked at the figures on Friday: there were 84,500 prisoners in this country on Friday afternoon, and about 75,000 young people and children in care. It struck me that those are very large numbers, and very significant amounts of money are involved both in keeping those 84,500 in prison and in getting the services and support right for those 75,000 children in care.

Charlie Elphicke (Dover) (Con): The hon. Gentleman is speaking movingly and knowledgably. As I understand it, his new clause 4 would put greater emphasis on continuity of care. One of my concerns is that the number of looked-after children has been growing, but the educational outcomes are not great, and the criminal outcomes are not great. We do not want looked-after children to stay looked-after children; we want them to move into a more traditional type of loving, single-bond setting, do we not? Is it not preferable to get looked-after children into a more stable family or fostering-type setting?

Bill Esterson: Foster children are looked-after children, of course. The term "looked-after children" covers those in foster or residential care, and some who remain within the family are regarded as looked-after children by local authorities. The hon. Gentleman's point is important, because we must understand that this is about what is in the best interests of children in the long term to give them the best possible outcomes.

The hon. Gentleman mentions the lack of qualifications of children in the care system. He is quite right, but it does not necessarily follow that getting children back to birth families ensures improved qualifications. Sadly, when children who have been in care go back to birth families, they all too often return to care, and there is evidence that that process is far more damaging than staying in care all along. Judging what is in the best interests of the child is always a very fine balance, which is one of the challenges that those working with children have to make. It is a challenge for social workers, the courts and those taking on the responsibility of caring for children.

I am glad that the hon. Gentleman made that point, but the most important thing is the long-term interests of children. I tabled new clause 4 because long-term foster care is often in their best interests. For example, for some children who want longer-term contact with their birth families, the best place to have that is in foster care. I mentioned the gold standard of adoption at the start of my speech. We need to move away from regarding adoption as the gold standard. For some children with good, long-term, experienced foster carers, that is the best option. For some in a good residential children's home, that is the best option. For many children and young people, when their birth parents cannot care for them in the long term, the best arrangement is to be brought up by kinship carers or friends; hundreds of thousands of children are informally brought up by friends and family, outside the children in care formal arrangements.

I want to turn back to last week's evidence from TACT and the rationale behind the new clause. Kevin Williams told us that he

"would like local authorities to be given a power to make permanent placements in foster care for children. In Scotland, there is the permanence order, which I understand is difficult in the English legislative framework, but we would like to see a similar order that would empower foster carers to take on a full-time, permanent legal responsibility. That could be something along the lines of special guardianship, but the difficulty with special guardianship and residence orders is the loss of support"—

that comes back to the point made by my hon. Friend the Member for Wigan about financial matters—

"both the financial support that is awarded to foster carers, and the ongoing practical support. We think that the Bill is a missed opportunity to secure permanence for children, not just through adoption, but through other legal means."—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 20, Q46.]

10.15 am

The key point is the importance of permanence, continuity and stability to the formation of attachments. The lack of attachments often leads to insecurity later in life, which causes a lack of confidence and an inability to concentrate in school. Behavioural issues sometimes emerge when children have been neglected or have faced difficulties, particularly in their early years, and they have a knock-on effect by making it hard to get qualifications and a job, which might lead to problems such as homelessness and mental health difficulties. My new clause is an attempt to say that whatever setting is decided to be in the interests of children, permanence is important and should be a key criterion in any decision.

The evidence we heard last week and the written evidence emphasise the importance of getting fostering to adopt right. Concurrent planning has been successful over many years. Good arrangements are already being made and there is much that can be done to improve permanence. According to some of the evidence, if the decision to foster to adopt is taken too early, there is a danger that opportunities will be missed, such as with relatives, as my hon. Friend the Member for Wigan mentioned. Many of our contributors asked us to consider whether adoption should be approved as the right route for children before moving to foster to adopt arrangements, and that important point certainly should be considered.

Above all, I hope that the Minister will take on board the need to get things right for the child, first and foremost, at all times. I know he has said that before, and I do not for one moment doubt his sincerity, but we need to take that on board and ensure that the interests of the child are put above everything else. These good ideas should be considered in balance. The key is balance

between all the different options, while ensuring that the child's interests are put first at all times. Decisions must be taken in a timely way, not because there has been a long-term problem of a lack of children going to adoption and costs going up.

Charlie Elphicke: Does not the hon. Gentleman agree that the voice of the child is also important? In evidence last week, Dr Morgan said that among children who were surveyed there

"is very strong support for fostering for adoption…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."—[*Official Report, Children and Families Public Bill Committee,* 7 March 2013; c. 110, Q235.]

Bill Esterson: When the Education Committee held a meeting with some children in care, every single one of them said that fostering was the right option for them.

Lisa Nandy: The hon. Member for Dover is completely right to say that we should take the views of children into account. The crucial point about the evidence that children gave to Dr Roger Morgan was that the proposal put to them was the Government's earlier proposal, whereby a decision had already been made and the social worker was satisfied that the child ought to be placed for adoption, not that they were merely being considered for adoption. Children also had concerns about what might happen if the adoption placement turned out not to be the right one and broke down, as they said in evidence to the Select Committee.

Bill Esterson: I thank my hon. Friend for that clarification—she found the relevant section of the evidence sessions faster than I did. She is quite right that the rights of children are fantastically important.

The voice of a child in their early years is difficult to understand, which is why it is important that there are people to interpret what children are feeling. However, it is important that we listen to older children and children who have been through the care system, and I have mentioned the example of two prisoners. It is important to listen to children who have been through, or are still in, the care system.

The hon. Member for Dover reminded me of the importance of leaving care services being right. Again, we have to listen to children about that, because the issue is about not just the early years or foster care while children are in school, but what happens after that—it is the whole continuous process.

I have mentioned children's homes and the problems in Rochdale and elsewhere in the country. This is about what is happening to older children and young people who are not in good placements in children's homes. We must remember the damage that is done in that stage of life and the support that is needed for young people leaving care and entering adulthood.

To return to the point made by my hon. Friend the Member for North West Durham, far too many young people are not receiving support in their mid to late teens. I was talking yesterday to a colleague who accompanies the police in Greater Manchester, and they pick up the same young people and take them back to the same children's homes night after night, because that is the stage that has been reached. Staff are neither experienced nor qualified enough to be able to do any more than what they are doing. That is another example of the lack of quality in the false hierarchy of care that we described earlier. I am grateful to the hon. Member for Dover for his intervention because, yes, we need to listen to the voice of the child.

David Simpson (Upper Bann) (DUP): As someone who has been through the adoption process and has adopted children over the years, is there not a fundamental problem due to the shortage of adoptive and foster parents? If we address that, surely a lot of the issues will take care of themselves.

Bill Esterson: I had not realised that the hon. Gentleman was an adoptive parent. There are several of us in this room; I have also been through the process. I agree with him, from personal experience, that the shortage of adoptive parents and foster carers is a problem, as I think we are short by 7,000 foster carers nationally.

When I talk to other adoptive parents and foster carers, the question of recruitment—we will come on to that when we consider other parts of the Bill, but I will briefly discuss this—

The Chair: We are on context at the moment.

Bill Esterson: We are staying just about within scope, I understand.

I and others—the point was mentioned in evidence last week—are struck by the way in which adoption and fostering are sometimes presented to prospective adopters and foster carers in a rather optimistic light. The fact that children sometimes have severe and complex needs—and sometimes unpredictable needs—is overlooked. There is a lack of realism and honesty in the way in which we recruit for fostering and adoption.

Greater honesty and openness are needed about what it really can mean to look after vulnerable and often damaged children who have been neglected and sometimes abused. Sometimes we do not even know about that, because if things happen to children before they are able to speak, they cannot tell us what occurred, and sometimes all we see is very strange behaviour. That is extremely difficult for a prospective adoptive parent or foster carer to deal with.

I completely agree with the hon. Member for Upper Bann that it is important that we concentrate on recruiting foster carers and adoptive parents, but—we will return to this issue, so this is all I will say for now—we need more honesty. We need to say to the people coming forward to look after some of the most vulnerable children in our society, on behalf of us all, "There is a real challenge for you here, and the nature of it is sometimes complex." As one of those who gave evidence to us last week said, social workers will say that they told the adopter what the child's background was, but sometimes the adopter will later say, "But no one ever told us about what this child had been through." Alternatively, they might have been told, but chose not to listen, and therefore did not understand quite what they were taking on. Somehow we must have greater

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honesty, to which I think people will respond well, and I hope that the Minister will take that point on board when we come to the relevant provisions of the Bill. I will conclude my remarks there before I wander on to territory that will be covered later.

The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson): As has been articulated by other members of the Committee, it is a pleasure to serve under your chairmanship, Mr Havard, on this balmy spring morning. It was welcome that the hon. Member for Wigan set a thoughtful and balanced tone for the debate. We have had a wide-ranging discussion about a number of points that touch specifically on clause 1—and, on occasion, about some that go a little beyond it. Nevertheless, it is important that we debate such issues in Committee.

Before I deal with some of the specific points raised by hon. Members on both sides of the Committee, I want to explain a little about our adoption reform programme and how clause 1 is an important element of that. As many hon. Members will have heard me say, perhaps on too many occasions, getting the best possible care for those children who are unable, for whatever reason and for however long, to live with their birth parents is one of the state's most important responsibilities. The most appropriate form of care will depend on the needs and circumstances of individual children, and the clause does nothing to undermine the principle in the Children Act 1989 that the paramount consideration must always be the welfare of the child.

However, we know—I know from my own family's experiences, and we have heard today about others' experiences as well—that those children who come into care at a young age and are placed swiftly with loving, stable adoptive families can go on to enjoy some of the best chances in life. There is overwhelming evidence of harm being done to vulnerable children due to inexcusable drift and delay in care and adoption services. That is why, alongside our work to improve outcomes for children in care, the reform of the adoption system is a major priority.

In March 2012, my predecessor, my hon. Friend the Member for East Worthing and Shoreham, published "An Action Plan for Adoption: Tackling Delay", which set out the steps to be taken to streamline the adoption system so that permanent, loving families could be found quickly and effectively for more children. Working closely with local authorities, voluntary adoption agencies and other national adoption organisations, we have made good progress with implementing the action plan through the creation of the adoption gateway, the reform of regulations to create more streamlined processes and the publication of transparent scorecard data about timeliness. I am grateful to the hon. Member for Wigan for voicing her support for the generality of our wider adoption reforms.

10.30 am

In the action plan and subsequent policy documents, we outlined specific proposals for tackling delay and improving the involvement of adopters in different parts of the system. Many of those proposals require changes to primary legislation, and the Bill's provisions on adoption will make significant improvements to the existing legal framework, particularly the Adoption and Children Act 2002. Alongside our other reforms, the changes will help to reduce the delays faced by children needing adoption so that their lives can start to improve much sooner than at present, and they will also create a system that is more focused on the needs of children, with more active involvement among adopters.

In the action plan, we have sought to encourage practices that are aimed at the early placement of children with foster carers who are also approved adopters, such as concurrent planning. We heard from Coram about its successful programme of concurrent planning and about its success rate with stable and enduring adoptive placements. However, we know that only a handful of local authorities are using such practices, which is why we have made a commitment to introduce legislation to make it easier for local authorities to approve prospective adopters temporarily as foster carers—it is important that we emphasise that the placements are with them as foster carers. We will shortly lay regulations before Parliament that do just that, which will mean that local authorities will be able to look to the pool of approved prospective adopters for carers who could foster a child and then become their permanent carers if the court makes a placement order. Local authorities will be able to approve them rapidly, for a named child, in recognition of the training process they have already gone through, supplemented as necessary so that they are able to meet the requirements of foster care.

In the Prime Minister's July announcement on early permanence, he said that we would legislate better to enable and encourage local authorities to place children earlier with carers who are likely to become their permanent carers. He outlined the concept of fostering for adoption, and we are not alone in believing that fostering for adoption will reduce the delay for children. Barnardo's said that it

"welcomes the Government's emphasis on reducing delay and achieving permanency in light of the impact permanent placement delay can have on child development and outcomes…We believe that 'Fostering for Adoption' could be an extremely effective model for reducing delay particularly for very young babies but perhaps not for older children."

The Association of Directors of Children's Services said:

"concurrent planning and fostering for adoption both provide ways of allowing the forming of attachments while decisions are being made, reducing one effect of delay."

The hon. Member for Sefton Central made an important point about the development of secure attachments at the earliest possible moment.

Andrea Leadsom *rose—*

Mr Timpson: I suspect that my hon. Friend is about to make a similar point.

Andrea Leadsom: I commend my hon. Friend in the strongest possible terms for the very sensible proposal of fostering for adoption. We all want adults to bear the risks, not babies and young children. For too long, babies and young children have been pushed from pillar to post, while too much consideration has been given to the needs of the adults. To balance my earlier remarks

about helping parents to become good enough parents, we need at the same time to focus on the best possible outcomes for infants and children.

Mr Timpson: I am grateful for my hon. Friend's point. I suspect that no one in the room would disagree with the importance of putting the best interests of the child first in every decision that is made on their behalf.

On where the risk lies in such a placement, I met a couple in East Sussex who have gone through the process of fostering for adoption. They knew the risks that they were taking on, but nevertheless they understood the opportunity that they were giving to a child, who is now living with them permanently, and they were willing to take on the burden of that risk. I therefore do not subscribe to the view that no parents would be willing to take such a risk, because I have seen for myself that some are. I believe that the clause will enable others to feel more confident to come forward.

Bill Esterson: Yes, absolutely, prospective parents take the risk—it can be very damaging to adults—but the key thing is balance and ensuring that children are not put at the greater risk of breakdown. Ultimately, breakdown in placements causes one of the greatest amounts of damage to children. I am sure the Minister agrees, but perhaps he can explain how it could be avoided in his plans for fostering for adoption.

Mr Timpson: The hon. Gentleman and I have exchanged views on many occasions and approach the issues from the same angle. Stability is a crucial element of a child's potential for strong life chances moving into adulthood. It is important to re-emphasise what I have said about the fostering for adoption provisions within the Bill. The child is being placed not in an adopting placement, but in a fostering placement. That is one option for the placement of the child—the child will be given such a placement if it is deemed to be the most appropriate one. The risk, therefore, is not with the child, as my hon. Friend the Member for South Northamptonshire said a few moments ago, but with the couple or the individual taking on the role as the foster carer, or with approved prospective adopters. In such circumstances, the stability of the placement should not be affected.

Bill Esterson: I understand the point but, as we know from adoption placements that have sadly broken down, one of the most damaging things that can happen to children is if they believe that they are to be adopted and that they have a permanent family—their family for life—and it breaks down. My question is on how to minimise that risk—the proposal is otherwise hopeful, optimistic and sensible. Sometimes children think they are to be adopted for life but things do not work out. How can we ensure that the decision is not taken lightly, because taking it lightly runs a risk for the children?

Mr Timpson: The hon. Gentleman mentions adoption breakdown. Clearly, the worst possible outcome for any child whose plan is for adoption is a breakdown of the adoption placement after they have moved into it—the outcome for the child is over and above the outcome for the adoptive family—whether that happens in relation to a fostering for adoption placement or concurrent planning, by which there is a parallel assessment of potential rehabilitation back to the birth family. The work before an adoption order is made, and the support before, during and after the adoptive placement, are crucial in ensuring that the tools at the disposal of the adoptive parents are sufficient to deal with the challenging behaviour and other difficulties that children often bring with them because of their pre-care experience. We will come to that later in the Committee when we debate adoption support, but I am clear that we need to provide prospective adopters with as much information, guidance and support as possible from the start of their involvement with a child or children of whom they are prospective adopters.

Fostering for adoption gives increased opportunity to make those inquiries and to provide support, and for prospective adoptive parents to make those attachments at an earlier point. As many of the children who spoke to the children's rights director have said, fostering for adoption is a way of ensuring that the placement will work. In some adoptive placements—as opposed to fostering for adoption placements—a child moves in with their adoptive family without having any of those experiences before the adoption is signed off. Fostering for adoption therefore gives an enhanced opportunity to address some of the problems the hon. Gentleman rightly raises with ensuring stability of adoption placements to avoid any possible breakdown in future.

That is why we are doing important research on why adoptions break down, on why there is such a discrepancy—from 3% to 30% of adoptive placements break down—and on why some placements are more successful than others. The research will help to determine how social workers and other agencies working with the family, particularly voluntary adoption agencies, which provide much of the great support on offer, arrange support around an adoptive family so that the chances of breakdown are minimised as much as possible.

Lisa Nandy: I am grateful to the Minister for giving way so many times. He mentions forming attachments, which I understand is a central part of the purpose of the fostering for adoption placement, but has not addressed my central concern. Clause 1 makes it clear that section 22C(7) to (9) of the Children Act 1989 does not apply. My concern is that bringing forward the point at which fostering for adoption placements are considered to before the decision on whether it is in the child's best interests to be placed for adoption, and exempting the local authority from applying subsections (7) to (9), will leave the birth parent with very little opportunity to continue to have a meaningful relationship with the child. There is, for example, no longer a requirement to place the child in the local authority area, which will make it extremely difficult for their mother or father to travel to see them.

Surely it is not inconceivable to the Minister that the court would decide at a certain point that the child had formed the attachments he mentioned. Because the parent had not had the opportunity to see the child for some time, the child's best interests would be tilted in favour of the fostering for adoption parents rather than the birth parents. Is that not somewhat wrong, especially given that the Bill provides safeguards to ensure the birth family still has an opportunity to have a meaningful

[Lisa Nandy]

relationship with the child until the local authority is satisfied that it is in the child's best interests to be adopted?

Mr Timpson: The hon. Lady raises a number of points, and I will come to them in more detail later. However, let me pick up two now. On placement, there remains a duty under section 22 of the Act—this is covered right at the end of the policy statement provided earlier—for the local authority to consider all placement options, including kinship care, and to put the child in the most appropriate one. Each placement still has to be considered. Looking at the birth parents when a child has been taken into care will be the first preference. If a placement with them proves not to be a viable prospect for the child, the local authority will go on to look at the wider family and friends, and at the kinship care that may be on offer to the child. If it is clear at that stage that there is no viable placement for the child or children, the local authority will look at other options. The duty on the local authority to find the most appropriate placement for the child therefore remains. Fostering for adoption does not change that.

The hon. Lady made a point on a court making a decision further down the track when a child has been in a fostering for adoption placement. She asked whether that, in effect, forces the court's hand because of the time the child has spent in its prospective adoptive placement. When that was put to the judiciary, who ultimately have to make a decision in the child's best interests, they were absolutely clear—Lord Justice Munby was clear about this too—that they will not be fettered, that they will make a decision in the child's best interests and that the child's welfare will be the paramount consideration. The judiciary have to balance each child's circumstances when making their decision, but we already have fostering for adoption and concurrent planning. We have a number of scenarios in which children are removed from their birth family and placed in a potential adoptive home at quite an early point in the process, but that has not led to courts making decisions that are not in the child's best interests or that are not just. There is no evidence to suggest that anything different has happened in the past, and the judiciary are not suggesting anything different will happen in future.

Lisa Nandy: I am grateful to the Minister, but the evidence suggests that it is extremely unusual for children in concurrent planning arrangements to be returned to their birth family. I should like him to look seriously at that matter again. I take his point about the judiciary, but real worries are being highlighted by experts such as the Children's Commissioner for England that it will pre-empt the current process.

10.45 am

Mr Timpson: As the hon. Lady knows, I do not plough on regardless. I am always happy to continue to listen to people's views on such issues. However, the fact remains that, even in respect of cases when there is not concurrent planning or fostering for adoption but the child had been placed in foster care and the ultimate permanence plan for the child is for adoption, about 95% of cases are approved by the court when placement order applications are made by local authorities. That suggests to me that local authorities are not making such decisions lightly and that courts ensure that they consider all the evidence, as they must—otherwise they will be appealed against under article 6 or 8 of the European convention on human rights. I am satisfied that our approach will not interfere with those articles.

On hearing the placement order application, if parents do not consent to the making of the order, the court will consider whether to dispense with their consent. It can do so if it is satisfied that the welfare of the child requires it. The fostering for adoption clause will not change the process that the court has to go through, nor will it affect the process whereby the decision is made by the court to place the child for adoption.

I shall now try to make progress and get to the body of some of the amendments we are considering. I wish to make it clear—the matter was raised by several members of the Committee—that although we have started to make improvements to the adoption system, it does not mean we have lost sight of other important areas of care services for children. Social work reform is very much at the heart of trying to improve services for children who, for whatever reason, find themselves in the care system. We must bear in mind the £130 million in the social work reform and improvement programme through the improvement fund; our attempts to find new entry routes into social work and the step up to social work programme; the assessed and supported year in employment to improve the qualification and experience of newly qualified social workers; and our front-line approach to encourage the brightest and the best into social work.

Let us also consider the recruitment of the chief social worker, which we hope to be able to announce soon. That person will both be the champion of social workers and a challenger to raise standards across social work. The college of social work will also be launched as the voice of the profession and the body to help to drive improvement.

We have an ambitious programme for fostering and foster carers, which was set up by my predecessor in line with the fostering services programme to improve the recruitment and retention of foster carers, and to improve evidence-based interventions for children in foster care. We are also funding the multi-dimensional treatment of foster care, and the KEEP programme to keep foster carers and kinship carers trained and supported. We are also widening the delegation of authority to foster carers so that they can make important day-to-day decisions—it is important that they have the authority to do so. We have heard on many occasions of scenarios when they have not been able to take children to have their hair cut, or to take them on a holiday or a sleepover. We are doing a huge amount to improve the status of foster carers and their recruitment and retention, as well as to give them more freedom to do what we want them to do, which is to provide as much of a normal home environment as possible so that they can give children the best possible care.

Clause 1 promotes the concept of fostering for adoption, which, as we have discussed, uses similar principles to those of concurrent planning, the practice of which is promoted by Coram and Barnardo's. Local authorities such as Tyneside and East Sussex already use fostering

for adoption, so let me explain how the clause will make things work better for children. Currently, when an adoption agency has authority to place a child for adoption, whether in the form of parental consent or a placement order, it can place the child for adoption with prospective adopters. That is an adoptive placement.

Prior to obtaining that authority, a child for whom adoption is the plan or likely to be the plan can be placed only in placements under the Children Act 1989, which usually means a placement with foster parents or in children's homes. Let me reassure the hon. Member for Sefton Central that our reform work on children's homes continues to gather pace. I hope to make further announcements shortly on the next steps we will take.

The child may well move from placement to placement, causing disruption to their life, before being placed with his or her future adopters, which is, on average, around 22 months after first becoming looked after. The clause would reduce considerably the length of time that children must wait before moving in with people who may go on to become their adopters. The data show that just 14% of all children adopted in 2011-12 were under the age of one when they were moved in with their adoptive parents. That is all the more significant given that 44% of children adopted became looked after when they were less than one month old. On average, those children moved in with their adoptive families more than 16 months after becoming looked after. With fostering for adoption, many could move in with their potential permanent carers much earlier, and benefit from the security of a stable placement.

Andrea Leadsom: The Minister will also be aware that the peak period for the development of the pre-frontal cortex is in the six months to 18 months age group, and that placing a baby before it is six months old—as early as possible—with its permanent new family makes a massive difference to that baby's developmental prospects for having the emotional capacity and resilience to deal with life's ups and downs. Placing a child early is about not just the security of that baby but their whole capacity as a human being. Permanently placing a child well before the age of two makes an enormous difference to their capacity as a human being.

Mr Timpson: My hon. Friend is right. The evidence base for that is becoming more and more clear. We know from research that by the age of 22 months, the educational outcomes of a child can be fairly accurately predicted. That is why the 14 to 16 months that it currently takes a child who comes into care to move through the adoption system is the most crucial period in their very young lives. One month is 2% of their childhood, and they can ill afford for it to be wasted. Clause 1 will tackle that head on.

My hon. Friend gives me the opportunity to congratulate her on the work she is doing on early intervention through OXPIP—the Oxford Parent Infant Project. The funding that has been secured by OXPIP through the Department will continue that work to improve early intervention to tackle the long-term effects of poor attachment in early childhood and its implications for the social and emotional development of those children.

Bill Esterson: The hon. Member for South Northamptonshire is absolutely right about the damage that is done after those early months. My son was 10 months old when he went into care. He was three years and four months old—it was exactly two and a half years later—when he came to live with us to start his adoptive placement, which rather makes the Minister's point. The sad thing is that most children in care are a lot older than that. Although any move to increase the number of long-term placements through adoption or otherwise is very much the right way forward, those children who are older, to whom that damage has already been done, are a very big concern to all hon. Members. It is only right that we acknowledge that that is a much bigger issue and that the proposals can only scratch the surface. That does not mean that they are wrong, but there is also the question of what can be done for many other children.

Mr Timpson *rose—*

The Chair: Before you speak, Minister, let me say that I am allowing quite a wide-ranging discussion about what is technically a narrow clause, because it is important that we contextualise things. However, interventions must become shorter and more direct. I will not hold a clause stand part debate, as we are effectively having that discussion now. I will just say that 25 minutes past 11 will be here fairly soon, and it would be helpful if we could complete this clause and perhaps the more technical aspects of the other two clauses in this group. That is what I suspect we might like to do, but I am in your hands.

Mr Timpson: I am grateful for that indication and I am sure that we are all keen to make steady but serious progress as the Bill moves through Committee. To take on your challenge, I will now continue apace with the points that I wish to make. The clause would require local authorities to consider fostering for adoption placements as soon as adoption becomes a possible outcome for a child, which could be as soon as the child becomes looked after. Crucially, it means that the child can remain in that placement, unless their permanence plan does not become adoption, and will not be subject to a series of temporary placements—the point that the hon. Member for Sefton Central made.

It means that where the local authority considers adoption as an option for that child and the child cannot live with the birth parents, it may place the child with foster carers who are approved prospective adopters—if that is the most appropriate placement for the child—some time before they formally decide that adoption is the right option for the child. The child will be able to move in and live with the foster carers straight away while his or her permanence plan is considered further. I must stress—as I have on a number of occasions—that this is a foster placement, and remains so until the court makes a placement order or parental consent to adoption is given.

It might be helpful to explain how the new duty will work in the context of section 22C of the Children Act 1989 and in particular in relation to the existing requirement to give preference to kinship placements, to tackle head-on the question asked by the hon. Member for Wigan. As hon. Members will no doubt know, local

[Mr Timpson]

authorities are required to place children who cannot live with their birth parents in the most appropriate placement available. Fostering for adoption does not change that. The first decision that they have to make is whether the child can live with his or her birth parents. That remains the case. If that is not reasonably practicable and consistent with the child's welfare, the local authority must consider placing the child with someone else who is able to care for them. The local authority might deem that a placement with family and friends is the most appropriate placement available. If that is the case, they are required to place the child in that placement. I reiterate: fostering for adoption changes none of this.

The local authority might deem that a placement with family and friends' relatives is the most appropriate placement available. If that is the case, they are required to place the child in that placement. Local authorities do not need to delay placing a child unreasonably while they carry out extensive searches for distant relatives who may not be known to the child. Again, fostering for adoption does not change this. Where adoption is not the plan, the Children Act 1989 assumes that if the child cannot live with the birth parents, the next best thing would be a placement with the wider birth family or a connected person. However, where adoption is likely to be the outcome for the child, it can no longer be assumed that the best thing is for the child to stay with the wider birth family in every single case. In that scenario, it would not be right to require the local authority to give preference to kinship placements in every case, regardless of the circumstances. The local authority will be required to consider a fostering for adoption placement and need not give priority to kinship carers unless that is the most appropriate placement for the child.

The duties to try to rehabilitate the child with birth family or, failing that, to place the child in the most appropriate placement, are ongoing duties. If rehabilitation becomes possible after a child has been placed in a fostering for adoption placement, that course must be pursued. Likewise, should a suitable family or friend carer be identified after a child has been placed in a fostering for adoption placement, the local authority must consider whether that would be the most appropriate placement for the child. Local authorities must act compatibly with the European convention on human rights in relation to the care of any looked-after child for whom they are considering adoption as a possible option.

Once the local authority has been through all these steps and where the plan becomes adoption, the adoption decision-making process will start. The agency decision maker will consider the case, and if he or she decides that the child should be placed for adoption, the local authority will apply to the court for a placement order. It is for the court to decide whether to make a placement order. If parental consent to adoption has been given, the local authority may decide not to apply for a placement order. It is only when the court agrees to make a placement order, or parental consent is given, that the placement can become an adoptive placement.

To make that clear and to set out the practical effect of the clause for social workers and other practitioners, we will amend statutory guidance on care planning placements and case review, to give local authorities guidance about fostering for adoption, so that what I have just articulated for the benefit of the Committee will be articulated for the benefit of practitioners who have to put this into practice.

Lucy Powell: Will the hon. Gentleman give way?

Mr Timpson: Briefly. I am aware of the Chairman's remarks

Lucy Powell: I am absolutely mindful of your remarks, Mr Havard. Will the Minister give further clarification for local authorities on the option of permanent placements within the extended family being of equivalent status to fostering for adoption? If it is deemed that a child needs a permanent placement elsewhere, does fostering for adoption become the automatic route rather than a special guardianship arrangement or some other arrangement within the extended family, which would in many cases be more beneficial to the child?

11 am

Mr Timpson: There are two parallel considerations that social workers have to make, through their training and through the guidance provided to them. The guidance makes it clear—and, as I have said, we will revise it to make it absolutely clear on the changes that clause 1 brings in—that those considerations are finding the most suitable placement, and then finding the permanence for the child that is in their best interests and is going to be most consistent with their welfare. None of those decisions can be made without the court going through the processes it has to go through to satisfy itself that that is exactly what has happened. I have made it clear that the guidance will be revised to provide complete clarity on those points.

Having set out the implications of clause 1, I turn to amendments 3 and 5. The amendments would require local authorities to consider placing a child with carers who could become the child's permanent carers, as part of the child's permanence plan and before they consider a fostering for adoption placement. I fully appreciate what hon. Members are trying to achieve in the amendments. However, a duty to consider permanence planning at the point of considering placement options would effectively conflate the two decisions that I have just mentioned to the hon. Lady: the decision about the immediate plans for the child's care and the decision about the long-term plans for his upbringing, which could be quite different.

Fostering for adoption placements are to be used where the local authority has not yet decided what the permanence option for the child is. It has not yet decided that adoption is the plan, although it is considering it; in concurrent planning cases, the local authority will not know whether the child might be able to go home. The issue is finding the most appropriate place for the child while the permanence decision is reached. To include the measures proposed by amendments 3 and 5 in section 22C of the Children Act 1989, which deals with ways in which looked-after children should be accommodated and maintained, would not be appropriate.

Turning to amendment 11, I hesitate to say so, but I believe that hon. Members' concerns might originate in a misinterpretation of the clause. Local authorities are required to place children who cannot live with their birth parents in the most appropriate placement available, and I have set out how clause 1 works in respect of considering placement with family or friends. The clause does not prevent local authorities from placing children in a family and friend placement where that is the most appropriate placement; it simply removes the statutory requirement to give preference to such a placement in every case where an authority is considering adoption for a child. If the duty to give preference to family and friends placements was not disapplied in a fostering for adoption scenario, it would mean that even where a local authority had considered and discounted kinship care placements as the permanence option for the child, and believed that adoption was the probable outcome for a child because the birth family and wider circle of relatives were not able to care for the child, the local authority would still be required to give preference to kinship carers who would not be likely to become the child's permanent carers, rather than to approved prospective adopters who could—if adoption became the plan for the child, and subject to the approval of the court—become that child's permanent family.

Amendment 12 seeks to reinstate some requirements under subsections (7) and (8) of section 22C of the Children Act. Those are the requirement to give preference to a placement with family and friends of connected persons who are also foster parents; the duty to ensure that the placement does not disrupt the child's education or training; the duty to place the child with siblings who are looked after by the local authority; and the duty to ensure that accommodation is suitable where the child is disabled.

I have already explained why we have disapplied the duty to give preference to a placement with family and friends. The reason we have disapplied the other subsections that the hon. Members' amendment would reinstate is to make sure that the local authority can place the child with the best possible potential carers. The local authority is still under the duty in section 22 of the Act to safeguard and promote the child's welfare, and the duty in section 22C(5) to place the child in the most appropriate placement available. Local authorities should therefore balance the competing interests, to find the right potential carers for the child while at the same time doing what is best for the child in terms of placing them within the local authority boundaries to maintain contact with the birth family, have continuity at school, be placed with a sibling or, in the case of a child who is disabled, be provided with suitable accommodation.

New clause 4 would add two new presumptions to the Children Act relating to the benefit to the child of continuity of care across a wide range of family proceedings. I thank the hon. Member for Wigan for drawing the Committee's attention to the extremely important issue of continuity in the living arrangements that are made for children. The reality is that there is still too much instability in the care system and, although the retention of social workers has improved, there is still too much churn that needs to be addressed. One of the areas where I commissioned some work is how we can better measure stability in the care system so that those who work in it have a better understanding of the implications of the decisions they make and the effect they have on children who are not just being moved from one placement to another, but from one school or one general practitioner. That should be far more at the forefront of their mind when making decisions which they deem to be in the best interests of that child.

The Government completely understand the importance of not disrupting children's care unnecessarily. I have reiterated that on a number of occasions, both here and elsewhere. We are reforming the family justice and adoption systems so that they can deliver better for children and families. Our aim is to deliver decisions more swiftly and to keep children's needs at the heart of the process. Our reforms will tackle damaging delays in the system, foster closer collaboration between local authorities and the courts, and ensure that children's best interests remain at the heart of decision making, and in doing so improve practice around placement continuity.

Within the context of care proceedings, our reforms do not affect existing safeguards under the Children Act. Section 22 of that Act sets out the general duties that a local authority has in relation to children it is looking after, including the duty to safeguard and promote the child's welfare. Ensuring continuity of care for the child, consistent with the child's welfare, will be a key part of that. Courts must also consider the wishes and feelings of children and their parents where practicable before making decisions.

Inevitably, a local authority may need to act to seek to remove a child from their home where that is necessary to safeguard that child. If a local authority cannot place a child back with his or her birth parents, it must place the child in the most appropriate placement available, which may be with wider family or friends. Section 22C sets out the way in which looked-after children are to be accommodated and maintained and explicitly refers to the need to ensure, where practicable, that a child lives near to his or her home, that the child's education is not disrupted, and that the placement allows the child to live with any sibling who is also in the care of the local authority.

Given these existing safeguards, a new clause that establishes a presumption in favour of continuity of care is not necessary. However, the hon. Member for Sefton Central is right to pinpoint continuity of care and perhaps add the word "consistency" as a key feature of stability. As ever, I am happy to continue to engage with him to discuss how we can do more on the ground to try to improve stability in the care system. More widely, let me reassure him that our reforms to the family justice system will not prevent children from being raised within their wider family or by a close family friend where the court decides that that is right for them.

We have undertaken a programme of reform to support the improvement of social work, both to ensure that where kinship care options are available they are explored and to prepare cases for court where a court application remains the best way forward. That work includes supporting local practice, in conjunction with the Children and Family Court Advisory and Support Service, ADCS and the Children's Improvement Board. We continue to promote the use of services such as family group conferences, to identify family members before the start of court proceedings. The Department for Education is funding the Family Rights Group over a two-year period, to build and implement a framework of accreditation

[Mr Timpson]

for family group conferencing and further its use in pre-proceedings. For those children for whom adoption is the right option, we have introduced changes in the Bill that will minimise disruption and delay and focus on the child's needs.

New clause 11 seeks to introduce new duties on local authorities in section 47 of the Children Act. It requires that local authorities, before initiating care proceedings, identify and consider the willingness and suitability of any relative, friend or other person connected with a child to care for them as an alternative to their being looked after by unrelated carers. It would also require the local authority to offer the child's parents a family group conference. I commend the hon. Members for Wigan and for Washington and Sunderland West on the motivation behind their new clause. For much of the Bill, we share the same motivation. I agree with the intention to support effective pre-proceedings work with families, as it is important to do that well before a case reaches court.

When giving evidence to the Committee about pre-proceedings, Andrew Webb from ADCS said:

"The professional impact of the culture shift will be massive. There is absolutely no doubt about that, but it is the right thing to do because, going back to the detail of David Norgrove's analysis of the family justice system, the issue is well worth tackling. If we reduce the costs of looking after children while they are going through protracted care proceedings—fostering costs and so on—we can resource the sharp end of assessment."—[*Official Report, Children and Families Public Bill Committee,* 7 March 2013; c. 145, Q299.]

I completely agree. It is correct that, before the local authority applies to court, it should seek to do all it can to establish whether family members or friends can meet the needs of a child and promote his or her welfare. We all agree that promoting children's welfare is our foremost concern. That is exactly what this Bill seeks to achieve.

As I understand it, the intention behind the new clause is to apply the change to all children who could become looked after, rather than just those who have been the subject of a section 47 investigation, so I will speak on that basis. I reaffirm our commitment to high-quality social work pre-proceedings, and I have illustrated some of the work we are doing to try to raise our game.

I have no doubt that changing legislation alone will not bring about the changes we all want to see in the care system. We are working in partnership with the Children's Improvement Board and the College of Social Work to support the improvement of social work in this area. We have also funded research to ensure that social workers can base their judgments on the most up-to-date information available.

Establishing what family support is available for a child is an essential part of the pre-proceedings process. It is a task that social workers routinely carry out in their assessment of how a child's needs can best be met. Family group conferences are one way of achieving that, and from my own practice I am aware of the difference that family group conferences can sometimes make. They are an extremely helpful way of enabling wider family members to contribute to decision making where there are child protection concerns. As the current guidance recognises, they are an important means of involving the wider family early so that they can provide support to enable the child to remain at home. We intend to revisit and update that guidance in the light of the changes that the Bill introduces so I am grateful to the hon. Ladies for raising the issue in Committee.

Family group conferences perform a vital role in identifying early any family members who may be potential carers, thereby reducing delay and uncertainty by preventing the need for further assessments at a later stage in proceedings. The real strength of family group conferences is that they encourage children's participation in family decision making when that is appropriate, ensuring that their voice is heard—my hon. Friend the Member for South Northamptonshire made that point—and letting them make some input so that they are involved in decisions about their future.

To help with that valuable pre-court work, the Department for Education continues to support the use of family group conferences before proceedings to identify family members from the onset of cases, and is funding the Family Rights Group for two years to implement a framework of accreditation. Although I support the use of family group conferences, I do not think it would be advisable to introduce a statutory requirement to offer such a conference in every case. My recollection of cases I have been involved in is that sometimes a family group conference may not be appropriate or helpful. That goes to the nub of the issue.

I have made it clear that family group conferences can be very valuable. It is important that if a family member can give a child the loving home they need, that family member should be properly considered. Instead of creating additional statutory duties on local authorities to achieve that, my aim is to build professionalism more widely, and to ensure that social workers are well-equipped for the difficult tasks they face without piling on requirements about how they practise.

New clause 11 may be motivated in part by the concern that more rapid proceedings might make it more difficult for family members to put themselves forward to care for a child, and I am extremely mindful of that concern. We have explicitly made provision for extensions of time when necessary to conclude cases justly, having particular regard to the impact on the child's welfare. That is an important safeguard in ensuring that, when it is genuinely necessary to extend a case, it can be done. The Select Committee on Justice said in its pre-legislative scrutiny report:

"As to the concerns that the clause may make it more difficult to involve the wider family and friends of the family, we consider that improvements to pre-proceedings work should enable kinship carers to be involved at an early stage in the care process."

I am confident that our package as a whole is the right one to reduce delays and to put children' welfare back at the heart of the system. Lord Justice Munby highlighted that in his evidence to the Committee:

"The delays in many parts of the country are coming down very rapidly and there are already parts of the country that are achieving 26 weeks and less. It is therefore entirely attainable—it is not a target, but a maximum—and I am quite convinced that it can be done without prejudice to the welfare of children, or to a fair and just system."—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 29, Q69.]

I therefore urge the hon. Member for Wigan to withdraw the amendment.

The Chair: Before proceeding, may I explain that no decision will be made today on Mr Esterson's new clause 4? That will be come towards the end of our consideration, so he does not need to decide at the moment whether he wishes to press it to a vote. I will ask the Opposition Front-Bench spokesperson to speak, but I am mindful of 11.25 am, and it would be helpful if she would indicate whether a Division will be required.

Lisa Nandy: Thank you, Mr Havard. I am grateful for the Minister's assurances, particularly for making it clear that it will still be a requirement that preference is given to arrangements with the birth family and kinship care arrangements. However, I found his articulation of why that is not in the Bill or in the accompanying policy statement unconvincing. There is still a risk of real confusion, but, on the basis that we have been able to proceed this far with helpful dialogue and assurances, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: We now move to amendment 4 to clause 1. This group of amendments relates to the fostering to adoption process, and the debate needs to be narrower in scope than the one that we just had.

11.15 am

Lisa Nandy: I beg to move amendment 4, in clause 1, page 1, leave out line 9 and insert—

'satisfied that C should be placed for adoption—'.

The Chair: With this it will be convenient to discuss the following:

Amendment 6, in clause 1, page 1, line 11, after 'adopter', insert—

'after a matching process has been conducted'.

Amendment 13, in clause 1, page 1, line 12, at end add—

'(9C) A child must not be considered for placement with a foster parent who has been approved as a prospective adopter under subsection (9A) unless both parents (and anyone else with parental responsibility for the child) have been referred to free legal advice and have consented to the placement except where there is an interim or full care order in place.'.

Lisa Nandy: I will try not only to narrow my remarks to the content of the amendments, but to ensure that we do not repeat the earlier debate, although we have made progress. The amendments are designed to ensure that safeguards are built into the process to prevent the overlooking of important factors that could result in decisions that are detrimental to children's welfare and which run counter to their best interests. In particular, amendment 4 states that local authorities will need to be satisfied that a child should be placed for adoption, as opposed simply to considering that as an option.

The charity, TACT, made the point that the Government's decision to change their approach was made as a direct response to the recommendation from the Lords Select Committee on Adoption Legislation to broaden the scope of the duty. That Select Committee also recommended that the point at which a fostering for adoption placement should be considered is when the child's permanence report is prepared, yet clause 1 takes an earlier point as the trigger: when the local authority is considering adoption as the option for the child. The Government have made it clear that that describes the point at which the adoption agency first considers that adoption is one of the possible options for the child, which may be as early as the first week that the child is in care. The same response makes it clear that that duty kicks in before the agency makes that decision. Hence it allows children to be placed in fostering for adoption placements before the local authority has decided on adoption as its plan.

Like the Lords Committee, I am deeply concerned about the redrafting of the clause to bring forward the point at which a fostering for adoption placement is made. The Committee said that that widens the scope of the measure considerably, creating the possibility of bonds forming with greater risk to the adoptive family.

Bill Esterson: I completely agree on the dangers that the Lords Committee have highlighted.

The Chair: Short interventions, please.

Bill Esterson: I will certainly do so, Mr Havard. Is my hon. Friend aware of the submission from the Fostering Network, which had an additional concern? It said that there was the risk

"of subverting the role of the foster carer before a decision is made by the court, which is to support the child to make the transition to whatever long-term plan is decided for the child by the local authority and the courts".

Lisa Nandy: I am grateful to my hon. Friend for that contribution; I will address that in a moment. Part of the purpose of the clause is to ensure that it is the adult, not the child, who bears the risk. The Minister was right to articulate that, but there are two problems: the first is that this part of the Bill is designed to ensure that more children are adopted. We share that aim, but at a time when we are desperately short of foster carers—it is estimated that 9,000 are needed, according to the Fostering Network—as well as adoptive parents, the Committee must ask whether the measure may put people off adopting, not encourage more to do it. Certainly, ACDS and Barnardo's think that that is a risk.

It would be helpful if the Minister would give an indication that it is his intention that local authorities should conduct an appropriate matching process first, in line with amendment 6, with regard to the welfare checklist, to ensure that we do not reach the situation described by my hon. Friend, in which placements break down after a child has already considered that they are with their "for ever family". As the Minister said, that is more damaging for the child than not making the placement in the first place.

Our second concern, having read carefully the views of children as told to the children's right director—hon. Members have mentioned it—is that it is not clear that this is just about the adult bearing the risk. Listening to the views of children, they too bear a considerable risk in this regard, given the early trigger point in the redrafted clause.

[Lisa Nandy]

In evidence to the children's rights director, three quarters of children were in favour of fostering for adoption, but, crucially, that was because the option put to them was the Government's original proposal, where a decision had already been taken that adoption was in their best interests. Children also highlighted concerns about the court refusing the application, which means that it is important that we get this right in the first place, to ensure that those decisions are not routinely refused by courts because they have not been thought through. Children wanted it to happen, in the words of one child,

"only when you know it's going to be forever".

Some 80% though that the most likely thing to go wrong with those placements would be the court refusing the application. One child said that

"you wouldn't be sure you could stay with that family and you'd be getting worried that you might have to leave them".

I am not convinced that, unless we slow down the process to ensure that we get the correct decision for children, the adults will bear the risk. There is a considerable risk that children will deal with the anxiety of that ongoing uncertain situation and, potentially, a negative outcome. In the evidence that was given, other children said that the provision would not be right for all children. We ought to be mindful of that. One child said that they thought that the decision needed to be relevant to each individual case, as some were much more complex than others. That is why I have tabled amendments to introduce safeguards in the system, to ensure that in more complex cases social workers are not rushed into making a decision about fostering for adoption that is clearly not in the child's best interests and which will have to be reversed later.

As my hon. Friend the Member for Sefton Central has said, children mentioned the importance of a foster family in the transition. That is significant, because foster carers are often skilled people. They are not necessarily interested in becoming adoptive parents, but are skilled at helping children make that difficult, painful transition from the destruction of an old family to the creation of a new family. That can be a positive experience, but it can also be difficult. We should not underestimate the skill of foster carers who are able to do that. One child said that

"going to court and staying with the foster family is something I will treasure".

The foster parent is also there as back-up support for the adoptive parents. Another child said that

"being in foster care gave me the opportunity to adjust".

Children felt strongly that children's views should be taken into account. It was important to them that parents understood what was happening.

Amendment 13 deals with informed consent. It is important to children that their parents understand what is happening and have the opportunity to come to terms with it. I have already talked about the difficulties of the lack of legal advice, particularly for parents whose children are accommodated under section 20 of the 1989 Act and may then be put into foster to adopt placements.

When the Adoption and Children Bill was introduced in the late 1990s and debated in Parliament, there was widespread concern that mothers of newborn babies might not be in a fit state to consent to their child being placed for adoption for six weeks after giving birth. Hence the safeguards in that Bill. Fostering for adoption is primarily aimed at very young children and even newborn babies, but that is a real risk.

I want to draw to the Minister's attention the situation of fathers, because research shows that fathers are often overlooked in such cases, especially if they do not live with the mother. A sample file audit in three authorities found that contact phone numbers were missing for more than half the fathers whose children were involved in child protection processes or were looked after. I dealt with a horrific case in my constituency of a father whose child died while in the care of the mother and nobody thought to notify him for several weeks.

Since the mother, in many instances, has parental responsibility, if she agrees to the child being accommodated the social worker does not need the father's agreement. He may therefore be ignored in many cases, unless the mother is in touch with him, and so too his family may be ignored. Fathers may be unaware of what is happening to their baby or that they could or should get legal advice until after the child has been placed with fostering for adoption carers. We ought to take that seriously, given that the trigger point in the clause is much earlier than originally envisaged by the Government.

11.25 am

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

Adjourned till this day at Two o'clock.