PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND FAMILIES BILL

Sixth Sitting

Tuesday 12 March 2013

(Afternoon)

CONTENTS

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED

£6·00

PBC (Bill 131) 2012 - 2013

Members who wish to have copies of the Official Report of Proceedings in General Committees sent to them are requested to give notice to that effect at the Vote Office.

No proofs can be supplied. Corrigenda slips may be published with Bound Volume editions. Corrigenda that Members suggest should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

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

(Afternoon)

[Mr Christopher Chope *in the Chair*]

Children and Families Bill

Clause 1

Placement of looked after children with prospective adopters

Amendment moved (this day): 4, in clause 1, page 1, leave out line 9 and insert—

'satisfied that C should be placed for adoption—'.—*(Lisa Nandy.)*

2 pm

The Chair: I remind the Committee that with this we are discussing 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 (Wigan) (Lab): As I was saying, children feel strongly that their views ought to be sought. That leads to another problem with the early trigger point. As the Government have made clear, the duty arises potentially before the looked-after children review, which is usually held at one month. The independent reviewing officer will attend that review, quality-assure the plan, and ensure that the children's wishes and feelings are given full consideration.

I have seen for myself how important that review is; it ensures that the youngest children, and even babies, have their predictable wishes and feelings taken into account. Thought is given to the impact on the child's later life, even when that child is very young. That is why I share the concerns of adoption agencies about the early trigger point, and why I am not convinced that fostering to adopt placements should be considered before that has happened. Those are often difficult judgments to make. Scrutiny matters, and children have a right to be heard.

In her impact assessment on the clause, the Children's Commissioner for England warns that a great take-up of the clause would breach article 21 of the convention on the rights of the child. In particular, she asks where the requirement is that children's voices be heard. In her view, that is a serious omission that breaches article 12 of the convention on the rights of the child. I expect the Minister to take that level of criticism seriously, knowing the weight he places on ensuring that children's views are taken into consideration, especially on such a serious matter.

The process by which the decision is arrived at is very important; article 21 of the convention on the rights of the child requires us to take it seriously. It is important that children's views are taken into account, that other forms of kinship care have the opportunity to be considered, and that social workers and independent reviewing officers have the time and space to make good decisions.

In the light of those concerns, I would be grateful if the Minister considered the amendment, which seek to draw attention to the difficulties created by redrafting the clause to move the trigger to an earlier point, so that the child is considered for adoption before the social worker is satisfied that the child ought to be placed for adoption.

The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson): The amendments in this group deal with the process that a local authority goes through before placing a child in a fostering for adoption placement. I want to reiterate what the hon. Member for Wigan said before we broke for lunch: it is not right for all children to be put in a fostering for adoption placement. That is absolutely clear. It is right that all local authorities under a duty to do so consider each individual case on its merits, and ensure that the welfare of the child is paramount and that their best interests are central to all decision making.

There are many skilled foster carers who help provide stable, loving homes for many children—the three quarters of those who go into care who find themselves in a foster placement. We want to ensure that they continue to play an important role in providing those placements. However, there are many foster carers, as I can verify from personal experience, who also adopt. They can take both those roles simultaneously.

I grew up with a long-term foster brother who was with us from the age of six to adulthood. At the same time, two children were adopted into our home. I want to ensure that we offer foster carers the opportunity to consider both improving their skills as foster carers and the role they might play in offering an adoptive placement.

Amendment 4 would require local authorities to consider fostering for adoption only once the agency decision maker had decided that the child should be adopted. Hon. Members will be aware that I initially published a draft clause for pre-legislative scrutiny by the House of Lords Select Committee on Adoption Legislation. That draft clause would have required local authorities to give preference to a fostering for adoption placement at the point at which the agency decision maker had made a formal decision that the child should be placed for adoption, and had matched him or her for adoption with prospective adopters—a later point in the process than in the current clause.

As the hon. Lady said, the amendment seeks to move the trigger for considering a fostering for adoption placement back to the point of an agency decision maker's decision. The Select Committee was supportive of the principle and the aim of the clause, but felt that it could be broadened to benefit more children. The Select

Committee recommended that the trigger for the duty should be earlier, at the point at which the child's permanency plan is agreed. It said:

> "We agree with the Government that where possible children should be placed at the earliest opportunity with the carers who will become their permanent carers…We urge the Government to widen the scope of the proposed duty to require all local authorities actively to consider a foster for adoption placement for all children for whom adoption is the permanency plan. Broadening the duty in this way should mean that more children benefit from early permanency."

Those views were also expressed by representatives of the sector, whom we consulted. The evidence that the British Association for Adoption and Fostering and Coram gave the Select Committee said that the time between the agency decision maker's decision that the child should be placed for adoption and the placement order being made is only on average two months. Therefore, if the duty applied only at the point of the agency decision maker's decision, it would have little impact on reducing the time that a child has to wait before moving in with his or her prospective adoptive placement, albeit that those two months are still a crucial part of a child's life. In addition, to use that as the trigger point would not encourage concurrent planning cases, where the child is placed with foster parents who are also approved prospective adopters before the agency's decision. I gave that evidence and the recommendations of the Committee careful consideration, and amended the duty in a way that I think best fulfils the wishes of the Committee and the recommendations of the experts who contributed. Most importantly, I believe it now better meets the needs of children.

Amendment 6 would require local authorities that are considering placing a child in a fostering for adoption placement to go through a formal process of matching the child with carers before making the placement. It is important that we are clear about the Government's intention. The first and most important point is that the placements described in clause 1 are fostering placements, and local authorities will be bound by the duties under the Children Act 1989. Matching is a feature of the adoption process and a precursor to a child being placed for adoption with his or her prospective adopters. It is the process by which the adoption agency decision maker, assisted by the recommendation of the agency's matching panel, decides which prospective adopters are the best people to become the child's adoptive parents. That process, which is described in the Adoption Agencies Regulations 2005, does not take place until the adoption agency has come to the conclusion that the child ought to be placed for adoption.

For those reasons we do not think it appropriate, in the context of a fostering for adoption placement, to require the local authority formally to match the child and carers in the same way. Indeed, it would be premature to do so, bearing in mind that the fostering for adoption placement will, in the vast majority of cases, be made before the local authority has decided that adoption is the definitive permanency plan for the child.

However, we recognise the importance of ensuring that the child is placed with the right carers. That is important in every placement of a looked-after child, and certainly so in a fostering for adoption placement, which may well, in due course, become a placement for adoption. The placement decision is governed by the principles of the Children Act 1989, which provides the framework and appropriate safeguards for placing a child in a fostering for adoption placement. The local authority is under a duty to safeguard and promote the welfare of the child, and to give due consideration to the parents and, subject to his or her age and understanding, the child's wishes and feelings. I echo the hon. Lady's point about the child's views and voice.

As I have said, under section 22C of the 1989 Act, the local authority has a duty to place the child in the most appropriate placement available. I would like to assure hon. Members that we will provide further statutory guidance to local authorities making the important decision about matching children with the right foster parents in a fostering for adoption placement. The proposed clause on widening the scope of the adoption register will also help to ensure, through the more informal matching process, that the right placement is found.

Amendment 13 is concerned with the placement of children who are accommodated voluntarily with a local authority. The duty to consider a fostering for adoption placement applies in relation to all looked-after children, including those who have been voluntarily accommodated under section 20 of the 1989 Act, and those who are subject to care orders and cannot live at home, and for whom the local authority are considering adoption as an option. Indeed, under the current law, section 22C already allows a local authority to place a voluntarily accommodated child in a fostering placement with foster parents who are also approved prospective adopters. As we have heard, the amendment seeks to introduce certain safeguards into the fostering for adoption process in relation to voluntarily accommodated children. It would require the local authority to ensure that the parents and anyone else with parental responsibility for the child had been referred to free legal advice, and had given consent to the fostering for adoption placement.

I appreciate what the amendment is trying to achieve, and I am sympathetic to the cause of ensuring that the birth parents are appropriately supported and represented. I stress, however, that local authorities are already able, under the 1989 Act, to place a child without the birth parents' consent with foster parents who are also approved adopters. The new duty does not change that. Just because a child is looked after with the consent of the parents does not mean that adoption and the fostering for adoption placement, or concurrent planning, can never be the right permanent option. For example, a fostering for adoption placement might be best for a child in order to avoid the unnecessary disruption of moving them from foster parents to new adoptive parents, should adoption be the outcome.

I want to pick up two points made by the hon. Member for Wigan about voluntary accommodation under section 20 of the 1989 Act. The first relates to legal aid. Under the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which comes into force on 1 April 2013, legal aid will be available to parents for legal services provided for specified public law proceedings. At the moment, advice and assistance with regard to the voluntary accommodation of children is in scope, and this work will remain in scope under paragraph 6 of part 1 of schedule 1. The advice would usually be provided under legal help and would be

[Mr Edward Timpson]

subject to a means test. If the parents of a voluntarily accommodated child decided that they wanted to withdraw their consent to their child being looked after by the local authority, and it became necessary for the local authority to apply for a care order, any legal advice in relation to any contemplated care proceedings would be within the scope of the relevant schedule.

The second point raised by the hon. Lady related to the position of fathers and ensuring that they were involved and consented to whatever arrangements were in place. When an adoption agency is considering placing a child for adoption, regulation 14 of the Adoption Agencies Regulations 2005 stipulates that where a father does not have parental responsibility for a child, but the agency is aware of him, the agency should provide a counselling service to him and to ascertain his wishes and feelings about the child, the placement for adoption and so on, if it is appropriate to do so. The paramount consideration must be the child's welfare throughout his or her life. The agency must also ascertain whether the father wants to acquire parental responsibility under the 1989 Act, or intends to apply for a residence or contact order under section 8 of the Act or a contact order under section 34 of the Act.

On birth parents, I further assure hon. Members that local authorities are required to attempt the rehabilitation of a child they are looking after, whether voluntarily accommodated or through a care order, with their birth family. It is only when that is not possible in the short or longer term that they must place the child in the most appropriate placement available. Once again, fostering for adoption does not change that. It is only when adoption is being considered as a possible option that the local authority would be required to consider fostering for adoption, which is a fostering placement.

All the amendments raise important questions about how clause 1 will work, and I hope that I have managed to provide assurances. I therefore urge that the amendment be withdrawn.

Lisa Nandy: I am grateful to the Minister for taking seriously our concerns. However, the Lords Select Committee on Adoption Legislation, which was distinctly more critical of the redrafted clause than his remarks suggested, said that

"it is in the implementation of the new provisions that risk of challenge under Articles 6 and 8…emerges."

That is also true in terms of the messages that we give children about whether this is a fostering placement, as the Minister seems to suggest, or a fostering for adoption placement; the latter will lead children to expect that they will live with that family for the rest of their lives unless something extraordinary happens.

Although I will for now accept the Minister's assurances about what will be in the statutory guidance, it would be helpful if the Committee could scrutinise it and consider its impact on individual children—children whom, as I have said before, we may never meet, but on whom our decisions will have a profound impact. It would be helpful to get a commitment that we can see that guidance as soon as possible, and certainly in time to consider it as part of the legislation. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

2.15 pm

Bill Esterson (Sefton Central) (Lab): I beg to move amendment 1, in clause 1, page 1, line 10, leave out 'local authority foster parent' and insert

'foster parent (whether or not a local authority foster parent)'.

Amendment 1 is about an issue raised by Coram in its evidence to us last week: the definition of "foster carers". Clause 1 refers to a "local authority foster parent". The Minister has explained to me that that term is consistent with other legislation on the statute book. However, as Coram put it last week, this is a technical matter, as it is not only local authority foster parents who are important in this regard but all approved foster carers, and of course many foster carers are approved by fostering agencies. The important point that Coram raised was that it wants to be absolutely sure, and I agree with it, that there is no danger of some foster carers being excluded from the legislation.

This very short amendment—this will be a very short contribution from me—would ensure that all foster carers were considered, and that there was no oversight or omission of foster carers. I am sure that the Minister will be able to clarify the issue.

Mr Timpson: I am grateful to the hon. Gentleman for tabling this amendment. To put his mind at rest—we have had an opportunity to discuss the issue outside the Committee—clearly the intention of the clause is not to prevent the widest possible group of foster carers from being considered for a fostering for adoption placement. By definition, we would not want to restrict the scope to local authority foster parents.

The concern is based on an understandable confusion about the legal definition—as is often the case, I am afraid—of a local authority foster parent. To be clear, a local authority foster parent could be a person trained and approved either by an independent fostering provider or by a local authority fostering service. Anyone who has been approved and assessed as a foster carer, whichever route they take, would fall within the definition. Either of these types of carer would be eligible to foster a child in a fostering for adoption placement.

A local authority foster parent is defined in section 22C(12) of the Children Act 1989 as

"a person who is approved as a local authority foster parent in accordance with regulations",

and the regulations that are relevant are the Fostering Services (England) Regulations 2011. They provide for the approval of foster parents by fostering agencies and local authority fostering agencies. They do not use the term "local authority foster parent" and they make no distinction between those foster parents who are approved by fostering agencies and those who are approved by local authorities.

Our fostering for adoption clause is about placement with foster parents, regardless of whether they have been approved to foster by an independent fostering provider or by the local authority fostering service. I am very happy to put that on the record, and I hope that now that I have done that and given those reassurances, the hon. Gentleman will feel that his amendment is not necessary. I urge him to withdraw it.

Bill Esterson: I am reassured by what the Minister has said. No doubt the same point will apply elsewhere in the Bill: where the term "local authority foster parent" is used, it means all foster carers who have been approved, because they are covered by the same jurisdiction. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1 ordered to stand part of the Bill.

Clause 2

REPEAL OF REQUIREMENT TO GIVE DUE CONSIDERATION TO ETHNICITY: ENGLAND

Lisa Nandy: I beg to move amendment 7, in clause 2, page 1, line 15, at end insert—

'(1A) In subsection (4), after paragraph (f) insert—

"(g) the child's religious persuasion, racial origin and cultural and linguistic background, although this paragraph does not apply to an adoption agency in Wales, to which subsection (5) instead applies.".'.

The Chair: With this it will be convenient to discuss clause stand part.

Lisa Nandy: I should have said earlier that it is a pleasure to serve under your chairmanship, Mr Chope, given that the Minister managed to make that clear earlier to Mr Havard and I did not.

We share the Government's frustration at the fact that black and minority ethnic children wait on average a year longer than other children to be placed for adoption. Like the Minister, we believe that it is important to eradicate all unnecessary delay for all children, so we welcome the Government's decision to focus on this group of children and young people, who wait longer than others.

We also agree with the Minister that it is somewhat anachronistic that this consideration is written into primary legislation, while other important factors relevant to a child's life and identity are set out in secondary legislation. Consideration of ethnicity ought to remain one important, but not overriding, consideration in determinations about a child's future. We agree with the House of Lords Select Committee on Adoption Legislation that it ought to be placed on to the welfare checklist to be considered alongside other important aspects of a child's life and identity.

When the former Children's Minister, the hon. Member for East Worthing and Shoreham (Tim Loughton), first raised the issue while speaking to *Community Care* magazine, he talked about "hints of political correctness" among social workers searching for a "dream ethnic match." Research simply does not support the belief that political correctness is the main reason why black and minority ethnic children wait longer to be adopted; nor does it explain why fewer black and minority ethnic children are adopted altogether. The Minister will be aware of the recent Ofsted report, "Right on Time", which made that point strongly and noted

"little evidence of delay caused by an unrealistic search for a perfect ethnic match."

It also said that inspectors had found that

"Processes for matching children with adoptive placements were generally robust."

In addition, research by Professor Julie Selwyn, who gave evidence to the Committee, found that the most important factor in delays in adoption for black and minority ethnic children was the age at which they came into care. Her research also found that other factors were important, such as children from black and minority ethnic communities having a more complex or patchy medical history, which is relevant to prospective adopters, and young people coming from overseas with no medical history. Research by Thoburn et al. has shown that, for cultural reasons, certain communities, such as Caribbean communities, prefer long-term foster care to adoption. Just because fewer black and minority ethnic children are adopted, it should not be assumed that that is necessarily an indication that the outcomes for those children will be poorer, or that the placements will not be as appropriate.

Professor Elaine Farmer has also done some research, of which I know the Minister is aware, that is extremely relevant to our discussion. She found that ethnicity was a cause of delay for a significant number of young people, but she also found that other factors were significant, and I want to draw the Committee's attention to them. Although, as I said, we very much welcome Ministers choosing to focus on this group of young people to ensure that all unnecessary delay is eradicated, the picture is complex. Ethnicity often goes to the heart of the child's identity and can be, in itself, a reason for delay, if the child feels that it is important.

I do not deny that, in some isolated incidents, political correctness or caution on the part of social workers may result in black and minority ethnic children facing unnecessary delay because their ethnicity is taken to be more important than it actually is. The research is extremely clear that it does not happen routinely. Where it does happen, it should be eradicated, but I agree with the witnesses to the House of Lords Select Committee who strongly said that they did not consider it to be an issue of legislation; in fact, they considered it to be an issue of practice. That is why I started my remarks by saying that although we very much welcome the Minister's decision to focus on this group of children, we are not entirely convinced that the change that Ministers seek to make is the right approach for children or will solve the problem.

Like the previous Government in their 2007 guidance, this Government have rightly sent out a strong message to the profession that a loving home for every child should be the priority, and that considerations of ethnicity should never get in the way of that, where that is in the child's best interests. Ethnicity can be very important to children, however, especially those who come into care at an older age. That is relevant because when we talk about black and minority ethnic children in the care system, one of the features of that group is that they tend to come into care at an older age. That is one reason why Professor Julie Selwyn said that they tend to be less likely to be adopted. We know that age is a strong predictive factor in whether children will be adopted. For older children, being able to take forward ongoing issues about their previous identity into their new family and knowing that they will be respected is incredibly important. That is why article 20 of the United

[Lisa Nandy]

Nations convention on the rights of the child sets out that children who cannot be looked after by their own family have a right to special care and must be looked after properly by people who respect their ethnic group, religion, culture and language.

Young ambassadors from the National Society for the Prevention of Cruelty to Children have made that point strongly. When I visited ChildLine just a couple of weeks ago, NSPCC staff said that children participating in their online forums over the past few weeks had said strongly that ethnicity and particularly religion mattered to them. Those aspects had helped many of the children who were involved in that discussion make sense of their place in the world. They wanted the message to be passed on to me and to this Committee.

I am having an online chat with some of the young ambassadors this evening. I will check with them again, but they felt extremely strongly about the matter only two weeks ago and I have no reason to believe that they would change their mind.

Craig Whittaker (Calder Valley) (Con): Is there any evidence or research that suggests that ethnicity, culture and language should take precedence over a stable and consistent home life, or vice versa?

Lisa Nandy: I am not aware of any evidence that says that that should take precedence, nor am I aware of any children who believe that to be the case. Many children feel strongly that they want the right match. The Association of Professors of Social Work calls it the chemistry between the child and the new family. We should never ever forget that, nor let other considerations get in the way. That is certainly not the position of my party, and I am certain that that is not the Minister's position either. However, it is an important consideration, not to all children but to some, and it is very important to a small number of children.

Charities have expressed concern that the policy may send the wrong message to social workers that they cannot consider ethnicity at all. Given that there has been no great clamour for a change in the law, as I have pointed out, and that there is no great evidence that there is poor practice that puts politically correct considerations above children's best interests, the policy runs the risk of sending the wrong message to social workers about whether they should consider ethnicity.

The provision in the Adoption and Children Act 2002 was introduced as a result of damaging placements that took no account of ethnicity. We are concerned that, by removing the consideration from primary legislation but not giving it a place among the other factors in the welfare checklist, as our amendment would allow, the Government might unintentionally swing the pendulum back that way.

A recent report on interracial adoptions by the British Association of Adoption and Fostering highlighted a number of issues. The first was that interracial adoption can be a positive experience. The Committee should not ignore that; it can be important for young people. However, it also highlighted the real and lasting damage that may be done to some children by ignoring aspects of their identity that are important to them. It was the first study of the long-term impact of interracial adoption in Britain, considering the experience of Chinese orphans who came to the UK from Hong Kong and who were adopted largely by white British parents. Overall, their experiences were positive, but for some, the negative impact was significant. More strikingly, the report said that many women stressed that being internationally and transracially adopted added another specific dimension to the adoption experience that should not be ignored.

Instead of removing this entirely, we would like to see it remain a consideration. This is not simply so that those young people for whom it is important are placed with a family whose ethnicity matches their own. Even where they are not, we must give thought to the importance that they place on those factors. We must also increase the likelihood that those young people are supported to ensure that those aspects of their identity remain and to help those aspects to flourish.

2.30 pm

The Minister said previously that placing the factors in question in the welfare checklist would give them excessive weight. I do not accept that. By definition, they would have to be considered alongside other factors. Children believe that they are as important as age, gender and other factors. On this occasion, we really ought to listen to them.

Finally, it is clear that legislation in this area is no substitute for better practices. None of the witnesses to the House of Lords Select Committee on Adoption Legislation called for wide ranging changes to legislation. Instead, they said that

"there was overwhelming evidence that the big issues of concern—delay in the adoption system and the shortage of adopters—were the result of failures in practice."

The hon. Member for Upper Bann has previously mentioned the shortage of adopters in particular. We would like to see the Government and local authorities do more to target black and minority ethnic communities to bring a greater supply of prospective adoptive parents. We would like to see greater support and training for adoptive parents in order that they can meet the race, religious and cultural needs of the child. However, we would also like to see those factors placed in the welfare checklist so that they can be considered, as children wish, among other factors.

Steve Reed (Croydon North) (Lab): I agree with my hon. Friend that placing a child with parents of a different race certainly adds a dimension that should be considered when the placement is made. But of course I accept, and agree with her, that the most important consideration is to ensure that a child is placed in a loving, supportive and stable placement as quickly as is appropriate given the complexity of the circumstances in that particular case. I also welcome efforts to speed up the adoption process, and indeed to increase the number of adoptions for children from black and minority ethnic backgrounds. Children from those backgrounds are over-represented in the care system but are less likely to be adopted for a variety of reasons—including the age at which they enter the system to which my hon. Friend referred in her presentation.

However, any potential adoptive parents need to understand the identity of the child whom they seek to adopt. That includes their religious persuasion, their racial origin and their cultural and linguistic background.

The 2012 British Chinese adoption study refers to cases of children adopted from Hong Kong and brought into the United Kingdom. It explores how they found being brought up in families of a very different cultural and racial background. One of the conclusions was this:

"For some it was not easy living with the fact of being from a different ethnic background and visibly different from their adoptive families."

That could result in

"a sense of not belonging or not feeling able to identify with either white British or Chinese communities."

It will benefit the child as well as the adoptive parents if concerns that that may be a consequence of a placement are taken into account while the placement is made and while the adoptive parents are considering how best to bring up the child placed into their care.

My hon. Friend also referred to some of the views expressed by the NSPCC's young ambassadors on the matter of interracial adoption. It is worth quoting a couple of those to put them on the record. The first was, "It is important that young people can find similarities and understanding with new adoptive parents around race and religion." Another young person said, "If the child and adoptive parents had contrasting cultural beliefs that could cause problems." Those are both very sensible points of view. It is right to ensure that we take the views of children into account as we shape this legislation.

David Simpson (Upper Bann) (DUP): Previously, I expressed an interest in the issue and said that I had been through the adoption process. It so happened that the adoptions were interracial. What the hon. Gentleman said is correct; it should not be a barrier to be adopted from, say, India or Paraguay. It has not been an issue, but if a match can be found, that is fine, but there should not be a barrier. We have certainly not experienced that and the family has been very happy.

Steve Reed: I thank the hon. Gentleman for his intervention and I agree with what he says. It is a factor to be taken into account, but it should certainly never be allowed to become a barrier to an appropriate placement.

The removal of the provision runs the risk of important factors of identity being neglected in making a matching decision. I strongly support my hon. Friend the Member for Wigan in her position, which she expressed so eloquently in her contribution, that it might be best to include points about ethnicity, race, religion, culture and language in the welfare checklist to ensure that they are taken into account as appropriate but not allowed to become a barrier to a good placement. I very much hope that the Government support that change.

Andy Sawford (Corby) (Lab/Co-op): I rise to support my hon. Friend's comments. It is to everyone's credit, and the Minister's in particular, that there is a huge amount of cross-party support for many aspects of the Bill. He will have been as struck as I was by the evidence from Dr Maggie Atkinson last week when she said:

"We consider that what is in the legislation at the moment is not a hindrance to children from BME backgrounds being adopted."––[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 89, Q196.]

It is a measure of our intent to build a consensus around many aspects of the Bill that my hon. Friend the Member for Wigan has proposed something that is fairly modest that will enable us to continue to take into account ethnicity. I hope that the Government will take that on board and support the amendment.

The particular comment that Dr Atkinson made that really struck me was when she quoted a young person from a black minority ethnic background, who said:

"You have to understand who I have been and who I am, as well as where I am going and who you want me to be."

Dr Atkinson said that that was one of the strongest things that had ever been said to her as the Children's Commissioner. She described him as a very proud young man

"who considered that his background, ethnicity and religion were not being taken into account where he was." —[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 89, Q196.]

We all want those things to be taken into account. My hon. Friend the Member for Croydon North has spoken powerfully about why those factors are important to a young person and why they must be considered. The modest recommendation that they should be in the welfare checklist is something that we all hope the Minister can support.

Mr Timpson: In speaking to the amendment and clause stand part, I thank hon. Members who have contributed to this short but important debate. It is a serious issue and one that we do not deal with lightly, hence the long consideration over the most appropriate way forward, which always has the child at the very heart of our thinking.

The clause amends section 1 of the Adoption and Children Act 2002 so that subsection (5) does not apply in England. This removes the explicit requirement to give due consideration to a child's religious persuasion, racial origin and cultural and linguistic background when matching a child and prospective adopters. As we have heard from the hon. Member for Wigan, we propose to do that because of the unacceptable situation in which black children take, on average, a year longer to be adopted than white children or children of other ethnicity. The express legal provision has caused some professionals in some local authorities to place too much weight on that one factor. I agree with Sir Martin Narey, the Government's adviser on adoption, who said that the fact that there is a problem is not in doubt.

Lisa Nandy: Given the overwhelming opposition to this from Coram, the Law Society, Barnardo's, TACT, the Family Rights Group, the College of Social Work, the LGA, the BAAF, the Magistrates' Association and the Children's Commissioner for England, will the Minister tell us where the evidence is coming from that there is reluctance on the part of social workers to place children into otherwise appropriate homes because of undue considerations of ethnicity?

Mr Timpson: First, I am not sure that the list that the hon. Lady has provided is a list of groups and organisations that are implacably hostile to our position, which is at one with that of many other groups. As we heard from the hon. Members for Upper Bann and for Croydon

[Mr Timpson]

North, ethnicity should not be a barrier to a match and an adoption placement, but it should be one of the factors that has to be taken into consideration.

I will come on to how the welfare checklist has operated since 1989. From the cases I have done in court, I have seen that within the welfare checklist, which mentions the age, sex, background and characteristics of the child, those characteristics should not be an exhaustive list. As soon as one tries to specify particular elements of a child's characteristics in an exhaustive list, one then starts to prioritise one characteristic over another. The checklist has always operated in a non-exhaustive way. That means that elements of a child's characteristics that may be to do with their ethnicity, religion, culture or language—I have seen all those in cases before the courts—can all be considered in the welfare checklist that is already in operation under the "characteristics" element. That can ensure that anything, including ethnicity, is taken into account, but not as a factor that will override other factors and be a barrier to a successful match.

Andy Sawford: The Minister refers to the "many others" who support the proposals. My hon. Friend the Member for Wigan intervened to ask what the evidence is. Who are the "many others", and what is the evidence?

Mr Timpson: I hope that the hon. Gentleman will give me time to complete my answer—I apologise if it was too long for him to wait for me to do that. The hon. Member for Wigan pointed to Professor Julie Selwyn, who has done some research on exactly this issue. Her conclusion was:

"We found that local authorities were much quicker at changing the decision away from adoption for minority ethnic children than they were for white children. They looked harder and longer for families for white children… There were a great number of minority ethnic children for whom no families were found and the decision was changed away from adoption."—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 18-19, Q42.]

Recently, Birmingham City Council brought out an honest report after speaking to a number of prospective adopters who had been through the process of being matched. In one case, for example, a respondent said:

"We feel we were quite broad minded … However we were effectively barred from … adopting non-white children by the system".

We do not want to see any cases where ethnicity becomes a barrier. Even one case is too many. As the hon. Member for Upper Bann rightly pointed out from his personal experience, he is acutely aware of issues that prevent a child from getting a loving and stable family home as soon as possible. The hon. Member for Croydon North made that point.

There is good and strong evidence, from Julie Selwyn's research and from the recent report by Birmingham City Council about the experience of prospective adopters within its local authority area, that black children taking longer to be adopted remains a problem. In evidence to the Lords Select Committee on Adoption Legislation, Barnardo's stated:

"It is our understanding that it was not the intention of the Children Act 1989 that ethnicity should be the main determinant of whether a child is put in a particular placement. Ethnicity was only supposed to be one factor to be taken into consideration".

We agree with that. Barnardo's continued:

"Over time, Barnardo's believes that the importance of ethnic matching as a prime determinant when making placements has become exaggerated, and this is not supported by the original legislation".

That was why when the list was read out of organisations deemed to be against the Government's position, I made the point that I was not sure that that was necessarily in the context in which they had set out their position.

Lisa Nandy: My point was not that they were opposed to the Government's position, but that they, like us, were concerned about where the Government had decided to go, and in particular their decision to remove the provision from primary legislation without placing it into the welfare checklist. Barnardo's says that

"we do not agree that the proposed change to existing law is necessary".

That was my point, and I would be grateful if the Minister took that into account as we discuss this, to ensure that those concerns are heard and met.

2.45 pm

Mr Timpson: I reiterate to the hon. Lady what Barnardo's said:

"Ethnicity was only supposed to be one factor to be taken into consideration…Over time, Barnardo's believes that the importance of ethnic matching as a prime determinant when making placements has become exaggerated".

We agree with that point. Far be it from me to be at odds with Baroness Butler-Sloss, having crossed swords with her in a different environment, but throughout this whole debate there has been a misconception. As I have already articulated, there is provision within the welfare checklist—there has been for the past 25 years, nearly—for the characteristics of each individual child to be taken into account.

The hon. Lady said at the start that this issue should not be one for legislation. We are removing specific reference to some aspects of a child's characteristics from legislation and putting them all on an equal footing, which is what the welfare checklist was originally intended to do, so that we do not reach the point—as Barnardo's believes we already have—at which ethnic matching becomes an exaggerated element of any placement decision. I am not sure that the Government and the Opposition are a huge way apart in our analysis of the situation.

Amendment 7 follows the recommendation of the Select Committee on Adoption Legislation, which some hon. Members spoke about on Second Reading. I have carefully considered that Committee's recommendation on the wording relating to a child's ethnicity being placed on the welfare checklist, and the rationale behind it. I understand the concern raised by hon. Members about removing the wording altogether, and their desire find a compromise. I am afraid that I find the present situation unacceptable, and I have articulated why, citing the support of Sir Martin Narey, as well as research by Professor Julie Selwyn and the recent report by Birmingham city council. It cannot be right that, for some children, their race and racial background seems to be the most important thing to some professionals. That situation has arisen despite the attempt in the 2002 Act at some form of balanced wording. I therefore do not share the confidence of hon. Members that the subtle change that the amendment proposes—moving the wording of the

2002 Act into the welfare checklist and putting it a couple of lines higher—will cause that misguided practice to change.

As I said on Second Reading, we are not saying that ethnicity should never be a consideration. We know that there are cases in which it is in the child's best interests to be placed with prospective adopters who match them in cultural background or religion. We do not want to prevent children from being matched on that basis in appropriate cases. Adoption agencies will continue to be required by section 1(2) and (4) of the 2002 Act to make a child's welfare throughout his or her life their paramount consideration, and to have regard to a range of matters, including the child's needs, wishes and feelings, his or her background and other relevant characteristics in reaching a placement decision. They will therefore continue to be required to consider a child's ethnic background in that process, along with all other relevant factors.

In practice, my experience is that if one were to trawl through reports from a children and family reporter and look at the cases in which children have an ethnic, religious, cultural or linguistic element to their characteristics that needs to be taken into account, one would find that that element is taken into account by children and family reporters and by social workers both as part of their training and good practice and because it is set out already in the welfare checklist that they have to take all characteristics into account. Local authorities are also required by section 1(3) of the 2002 Act to bear in mind that any delay in coming to a matching decision is likely to prejudice the child's welfare.

In summary, section 1 of the 2002 Act, amended as we propose in clause 2, will most effectively serve the best interests of children. Ethnicity should not be considered more important than a child's other characteristics, background and needs. We have to listen to the views of children, but this measure does not go against their view that their ethnicity has to be a consideration when a decision is being made. There might be medical, emotional or behavioural needs to consider as well as the child's ethnicity, religious persuasion, culture and linguistic background. There may be specific circumstances that make language or religion, for example, a pressing issue for a particular child; our proposed change will still allow for that and will be very much in the continuing spirit of the Children Act 1989. As currently drafted, clause 2 will in our estimation make a significant difference to the lives of some children who, because of some of the practice that still prevails, do not have the opportunities that they should. I urge the hon. Member for Wigan to withdraw the amendment.

Lisa Nandy: I am incredibly disappointed by the stance that the Minister has taken and continues to take, given the reasonableness of the position set out by the House of Lords Committee and the Opposition in asking for ethnicity to remain one important but, as the Minister says, not overriding consideration in a child's life. I am particularly disappointed that he chose to ignore the overwhelming view of both children and the host of organisations, which is that he is simply not taking the right approach.

I am also particularly disappointed that he did not address any of my points about practice, which many other organisations raised with us. Like them, I believe that the issue is not generally one for legislation, but is one of practice. How social workers chose to deal with the issue on the ground will be central to the key questions about whether a child's identity is upheld. Yet we have heard nothing from the Government about how they intend to encourage a greater supply of black and minority ethnic adoptive parents, nor have we heard anything about making greater training available to prospective adoptive parents from all backgrounds to ensure that they best meet the needs of children, whatever their ethnic backgrounds and considerations.

Coupled with the fact that the thrust of the Bill is about getting greater speed into the process and reducing unnecessary delay, and the fact that social workers are under intolerable pressure—as are independent reviewing officers, who currently often report case loads of two or three times the recommended amount—the Government are mistaken in not listening to the whole host of organisations outside Parliament that work day in, day out with those children or to the children themselves, and in not saying that the issue must be given some prominence if it is not to get lost in practice.

Although we do not disagree with the Government's position in principle, I am extremely disappointed that they continue to close their ears to the evidence and views from outside Parliament telling them that they are doing the wrong thing. I am very disappointed, but I know that the Minister is a reasonable man, and I want to give him the opportunity to go away and consider the matter further. I expect that we will return to this discussion as the Bill progresses, but on that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2 ordered to stand part of the Bill.

Clause 3

Recruitment, assessment and approval of prospective adopters

Lisa Nandy: I beg to move amendment 8, in clause 3, page 2, line 32, at end add—

'(4) The Secretary of State must set out in writing the reasons for issuing a direction under subsection (1).

(5) A direction given under subsection (1) will not come into effect until the Secretary of State has reviewed the decision to issue the direction on an application by the local authority upon whom the direction was issued.

(6) If the Secretary of State is satisfied that the local authority is taking steps to remedy the reasons for issuing the direction, the Secretary of State may revoke all or part of the direction.'.

We tabled the amendment because we are concerned about the power granted in clause 3. If implemented, that power has the potential to do great damage, unless adequate safeguards are built in to ensure that it is used proportionately and wisely, which is what our amendment seeks to do. The amendment sets out that when making a decision to remove some or all of a local authority's adoption services, the Secretary of State should give his or her reasons in writing. It would provide for a specific right of appeal to the High Court against the decision of the Secretary of State to ensure that such decisions are subject to scrutiny. It would also allow a local authority to ask the Secretary of State to review the decision to require its adoption services to be carried out by other adoption agencies.

[Lisa Nandy]

We share Ministers' concerns that local authorities can be too reluctant to make use of voluntary adoption agencies, and those of the House of Lords Committee that that reluctance is often because of a misplaced belief that costs are higher. I emphasise "misplaced", because in reality the costs are not higher. We welcome Ministers' work to reform the inter-agency fee and how it works.

We also share concerns expressed to the Lords Committee about local authorities not having an incentive to over-recruit. They often recruit the number of adoptive parents needed in their area, as a result of which they may turn away people who could easily adopt children from other areas and provide them with a good home. Ministers are right to try to deal with that, but it ought to be tackled by the development of better working relationships between local authorities and voluntary adoption agencies. This should include informing people of alternative routes to adopt if no suitable match can be found there, and more use of partnerships between local authorities. The Minister referred to one of those partnerships, the tri-borough partnership, in his evidence to this Committee. My own area, Wigan, has also done something similar, although with a slightly different model to fit the circumstances and needs in my own local authority, partnering with Warrington and St Helens to ensure that more children are found a loving home. As the Local Government Association points out, it is also doing this on the ground in practice through working with SOLACE and the Association of Directors of Children's Services to overcome disincentives on local authorities to over-recruit adoptive parents.

The voluntary adoption agencies do a tremendous job, and have an especially good track record in recruiting black and minority ethnic adopters and placing children with disabilities. However, the voluntary agencies say with one voice that they do not have the capacity to take on this role in its entirety, and nor do they have the capacity to significantly scale up. Were a Secretary of State—whether this Secretary of State or any Secretary of State in the future—to decide that that is what he or she wanted them to do, they make the point very strongly that local authorities currently recruit more than 80% of adoptive parents. This is in part because the inter-agency fee does not cover the cost of adoption, so the VAAs are forced to subsidise their costs through other strands of work, reserves and fundraising. This means that they could not scale up to the extent that would be required, even if they wanted to. That is why the Children's Commissioner for England warns that any use of this power would have to be taken only after careful consideration of the capacity of voluntary adoption agencies to upscale. Yet this clause as it is currently drafted, without amendment 8, sets out no safeguards and no provision to do this. It gives the Secretary of State the power to take this decision without those safeguards.

At Second Reading the Minister pointed out that the funding provided to VAAs had created additional capacity. He was right to do so, and we very much welcome this. A larger market with individual providers working across local authority boundaries could lead to economies of scale, but Barnardo's points out that this is not an inevitable result of this clause. It is worth the Committee pausing for a moment and thinking about the extent of this power as it is currently drafted. The directions that are set out in this clause can be applied to

"(a) one or more named local authorities in England,

(b) one or more descriptions of local authority in England, or

(c) all local authorities in England."

This means that the Secretary of State can now at one stroke strip all councils of any role at all in recruiting and approving adopters, irrespective of their performance.

Barnardo's points out that this may ultimately be an attempt to introduce a market-based approach to adoption, but it also rightly makes clear that agencies are prevented from making a profit from adoption, to prevent people trafficking and all sorts of harmful and perverse outcomes. A simple market model, where new entrants are enticed into a market in order to make a profit, could never exist. I think they are right to make this point, and I would be grateful for the Minister's thoughts on this. Could he outline for the Committee whether that was the intention behind this clause? Does he see a simple market model operating in the adoption system? In particular, what is his thinking on adoption by for-profit companies, whether or not that arm of their business was run not for profit? I would be grateful for an assurance that this clause does not seek to entice more for-profit companies into the market.

The College of Social Work also makes a very important point, which I think is worth the Committee considering. It believes that this role must be carried out by skilled social workers, and that outsourcing to independent bodies risks losing these skills, making it harder for social workers to look at permanent options for the child. In fact, the concern of many people about this clause is that adoption and a match for a child should be considered alongside all the other aspects of the child's life. The all-party parliamentary group on child protection has made this point as well, and would be very concerned about any greater distance opening up between skilled child protection workers and permanent options for children. The Children's Commissioner says:

"Adoption specialists tend to be among the most experienced social work professionals and assist in the assessment of the best interests of a wide group of children. It would not be beneficial to other children to have this expertise removed from the local authority."

The trouble with the clause as currently drafted is that that could be the consequence; the Secretary of State could do that as soon as the Bill comes into force as there are no safeguards.

3 pm

As serious as that risk is the warning from TACT:

"The new power granted by the clause risks over-politicising adoption services, with adoption potentially becoming a political football."

Having considered that carefully, I agree that that is a risk because the Secretary of State is not required to provide any evidence or meet any minimum criteria, so there is nothing to stop this Secretary of State or future Secretaries of State intervening in a local authority—as TACT points out—simply because they do not like that local authority and they do not approve of the direction that they are taking and what they are doing. That is not the sort of power that we should grant over decisions being made about the most vulnerable children, for

whom the state are the parents. At the very least, we believe that the grounds on which the Secretary of State could take that action ought to be specified: they should be required to set their decision out in writing and there should be a mechanism for appeal or repeal as judicial review, which would apply, can consider only the legality of the decision. We consider the measures that we have set out in our amendments are important.

TACT says:

"This potentially allows…future governments to contract out the entire adoption system, and does little to quell suspicions within the sector that this power could be the first step in privatising the adoption system."

Will the Minister assure us that he and his Government do not intend to do that? The proposed legislation is for not just this Government; the power will be granted to any future Secretary of State if the clause is accepted as drafted. That is why we believe that if the clause is to remain part of the Bill, there ought to be, at the very least, adequate safeguards to prevent harm from being done to children. No consultation took place on this measure: it was announced two weeks before the Bill's publication and the Government should consider carefully the opposition to this measure from all the VAAs and local authorities. We do not see why the clause, as currently drafted, should allow such vast powers to be given to the Secretary of State.

Lucy Powell (Manchester Central) (Lab/Co-op): My hon. Friend is making a powerful case for her amendments and for further consideration of the clause. In addition to the points she makes, does she agree that there is an issue about where capacity in the voluntary sector might come from? It fills me and the many others who lobbied us and gave evidence to the Committee last week with horror to think that the adoption services could go the way of A4e, G4S, Atos and the number of other disasters that we have seen in terms of contracting out, particularly when we are talking about vulnerable children. If we are to proceed down this road, I would like to see more caution and the safeguards that she outlines.

Lisa Nandy: I am grateful to my hon. Friend for making that point. That was the point I tried to allude to earlier about the introduction of for-profit companies: whether they make a profit out of the adoption arm of their business. I was a little dismayed to hear noise from the Government Benches that seemed to suggest that some hon. Members thought that that may be a good idea, so I would be grateful if the Ministers would make it clear to us and the people outside that that is not the case.

The truth is, with this clause, as with many others in the Bill, our disagreement is not necessarily with the Government's intention, but we are concerned about what the practical, real world implications may be if it goes through without safeguards. I would be grateful if, in his response, the Minister set out what safeguards there will be, because at present we do not see why the clause should allow the Secretary of State such vast power.

The Chair: The hon. Lady has introduced a wide-ranging debate. In the light of that, I do not propose to have a separate debate on clause stand part, so any hon. Members who wish to speak on clause stand part should do so now.

Steve Reed: I want to express similar concerns about allowing the Secretary of State to remove local authorities' powers to run their own adoption services or to recruit their own adopters. Local authorities currently recruit about 70% of all adopters. Taking the main player out of the local marketplace could hugely damage the ability to find parents who are willing to take part in adoption placements. A series of reforms is currently under way that already shows huge potential to improve and speed up the adoption process. Early signals show that the new two-stage approval system is speeding up the process by as much as 50%, which allows local authorities to recruit and approve more adopters with the same resources. As my hon. Friend the Member for Manchester Central said, we must be cognisant of the risk of placing a burden on local third sector organisations that they do not have the capacity to meet, because we may inadvertently damage the adoption process that operates in a particular area.

I am sure that we all want to correct failures in the system where they occur, and I refer the Minister to the model of sector-led improvement that operates in local government in relation to child protection. That model has been successfully implemented following the scandal of Baby P and similar cases. The Local Government Association acts as the lead body, and there are regional improvement boards in each area of the country. The model involves peer mentoring, engaging lead elected members and senior officers in identifying failings early and intervening to correct them by bringing in expertise and people who have the ability, capacity and experience to improve such services. It closely engages professionals and advocacy groups that speak on behalf of a client group. Most importantly, it works. Rather than being a centralising measure, it is in line with the localism agenda that the Government profess to support. I suggest to the Minister that that model may be worth his consideration as he seeks ways to improve adoption services where underperformance occurs.

Mr Timpson: I am grateful for the contributions from across the Committee. I am pleased to have the opportunity to speak to amendment 8, which would require the Secretary of State to give reasons for issuing a direction to a local authority requiring them to outsource their recruitment assessment and approval service. It would also provide for the direction not to take effect until any review requested by the local authority had been completed, and it would allow the Secretary of State to revoke the direction if he or she was satisfied that the local authority was taking steps to remedy the problems identified by the direction.

Clause 3 is an essential part of the Government's reform of the adoption system. We know that the earlier children are adopted, the better their outcomes, but thousands of vulnerable children wait far too long to be adopted because of a shortage of adopters. Last March, "An Action Plan for Adoption" set out the changes we are making to speed up the adoption system, and in "Further Action on Adoption" published in January, we set out our proposals for finding enough adoptive parents. As at 31 March 2012, there were 4,650 children waiting to move in with a new family whose plan is for adoption. We need more than 600 additional adopters a year just to keep up with the growing number

[Mr Timpson]

of children waiting to be adopted. That is a significant national problem that arises as several local problems compound one another.

We have too many adoption agencies. At present, there are about 180, of which more than 150 are local authorities while the rest are made up of voluntary adoption agencies that recruit and assess on average 17 adopters a year. Many of them carry out only a handful of assessments, which means that they cannot be really efficient and cost-effective. Understandably, as the hon. Member for Wigan said, their primary duty is to their own children—local authorities focus on the needs of their own areas—which is a narrow scope that contributes to a critical national shortage of adopters. Some local authorities turn away would-be adopters because they are not needed in their local area.

Local authorities tend only to go to a voluntary adoption agency for an approved prospective adopter when other options have been exhausted, resulting in a system that is unable to make best use of the national supply of potential adopters and unable to respond to demand. I will try to put that in context. Last year, about 20,000 people professed an interested in adopting, which resulted in just over 4,000 people going through the assessment process, of whom just over 3,000 got through the adoptive process and became prospective adopters. There is huge interest out there, which has been helped by the higher profile that adoption has been given by national adoption week and, as the hon. Member for Croydon North said, by local authorities working with the Government to raise the profile across the sector of the importance of tackling the shortage.

We are not alone in expressing such worries. The House of Lords Select Committee on Adoption Legislation stated in its report on 6 March that it shared

"the Government's concern about the fragmentation of adopter recruitment"

and the national shortage of adopters. It would remiss of us not to listen to those concerns and act on them.

Lucy Powell: I agree with the Minister's synopsis of how we might encourage more adopters into the system. Was he as alarmed as I was to hear Janet Grauberg's evidence last week to the Committee? She said that there was widespread concern about the clause and, in particular, she said that

"it does not create the incentive for economies of scale"—[*Official Report, Children and Families Public Bill Committee,* 7 March 2013; c. 146, Q304.]

She said that it would do exactly the opposite of what the Minister seeks to deliver in the clause.

Mr Timpson: The hon. Lady might be surprised to hear that I do not agree with the evidence given by Janet Grauberg from Barnardo's on that specific issue. My interpretation of what Janet Grauberg said in the context of the clause is that there was a short-term risk during the period of transition of outsourcing. We must remember that the process is not one of outsourcing necessarily from local authorities to voluntary adoption agencies. It could be outsourcing to another local authority.

To give the hon. Lady an example, I visited East Sussex, which has an excellent adoption service. It has latent capacity in its area to over-recruit more adopters than it does at present and to work with neighbouring authorities, as Wigan is doing with Warrington and St Helens and, as the tri-borough is doing in London, rather than recruiting only within its own local authority boundaries. Those authorities are working together in a consortium to break down those barriers.

The clause would enable that process to take place as a result of intervention from the Secretary of State. It can already take place now, which is where the sector-led improvement challenge comes in, and economies of scale can be investigated to see how adopters can better be recruited throughout the south-east, London and the whole of England. Such action is very much the motivation of the clause. It might be an apt moment to assure—and I am happy to do so—those hon. Members who expressed worries that this is the thin edge of the wedge of the privatisation of adoption. That is not the case.

The measure is not about making plans to allow profit within adoption. It is simply a pragmatic response to a national crisis in adopter recruitment. The system of more than 180 separate adoption agencies is not providing those who want to come forward to adopt with the best possible chances of doing so but, more importantly, it is not providing those children whose plan is for adoption with the best possible chance of being matched with their prospective adopters in a timely and far more effective way.

Lisa Nandy: I am grateful for the Minister's generosity in accepting interventions. I take his point about the fact that the clause could enable the Secretary of State to take positive steps. I am concerned, however, about what it could enable the Secretary of State to do that is not positive. The Minister has not explained why it is necessary that the Secretary of State can at a stroke strip all councils of any role in recruiting and approving adopters and why any of the measures that we have proposed in amendment 8 would harm the situation that he outlined.

3.15 pm

Mr Timpson: I am sure the hon. Lady will appreciate that I was responding to the points that were raised in a previous intervention. I was coming on to the detail of the point she raised. I hope she will bear with me for a few moments.

We believe that a system in which local authorities routinely match children with adopters recruited and approved by a wide range of adoption agencies, rather than adopters recruited and approved by that local authority, would best address the problem. There are many examples, as I have said, of innovative local authority solutions to address their local needs. We welcome that, but it will not in itself bring about the systemic change needed to resolve the problem. Things need to change quickly and dramatically to address the current unacceptable situation.

It is clear that the structure of the current system inhibits the necessary growth in the recruitment and assessment of adopters, and we are committed to reforming the adopter recruitment and approval system for the benefit of children. There is latent capacity both in the local authority sector and among voluntary adoption agencies, which have seen year-on-year growth in the

last two years of 20%. The £1 million that we recently granted to the Consortium of Voluntary Adoption Agencies is meant to address the agencies' latent capacity and provide them with the tools to up their game.

The provisions in the Bill would therefore enable the Secretary of State if necessary—I stress, if necessary—to require a named local authority or some or all local authorities in England to outsource their adopter recruitment, assessment and approval function to one or more other adoption agencies. It is worth remembering at this juncture that voluntary adoption agencies already carry out, as the hon. Member for Croydon North said, in the region of 20% to 30% of recruitment and assessment of adopters. That relationship with local authorities already exists, so this is not a new venture in many respects.

We recognise that change of this order is not without risk, and we are committed to managing risk in partnership with the sector. I have had a number of meetings with the Association of Directors of Children's Services, the Local Government Association and voluntary adoption agencies to discuss exactly that. We are working closely with the sector to reform adoption and will do what we can to support radical improvement under the leadership of the sector. We would welcome a sector solution to the problems. As I have said, we are open to any alternative proposals for sustainable system improvements that the partners can introduce. In many respects, as this is an enabling clause, the best outcome would be that we do not need to use it and that the sector can bring about the change that we all agree, both across the sector and within government, needs to happen. However, if the sector is unable to make the critical change that needs to happen, we will not hesitate to intervene.

As the hon. Member for Wigan said, we have provided significant funding to try to facilitate that change within local authorities with £50 million ring-fenced, of which £25 million is to help equalise the inter-agency fee which has been a running sore, particularly for voluntary adoption agencies that find themselves at the back of the queue as a consequence of the inequality that currently exists. The other £25 million is to help those hard-to-place children who are awaiting adoption who may have more complex needs, and there is £100 million on top of that to deal with the other reforms that are taking place in the adoption system. We are committed to taking this new power so that we can act swiftly to change the role of some or all local authorities at local, regional and national level to address the issues that we have outlined. We cannot let the best chance of happiness and well-being for thousands of children continue to be wasted or placed at risk.

Lisa Nandy: I would be grateful if the Minister told us what he objects to in the amendment. What is the problem with asking the Secretary of State to set out his or her reasons in writing when choosing to exercise such a sweeping power that could have such profound consequences?

Mr Timpson: I have a great deal of sympathy with the hon. Lady's desire to make sure that decisions, particularly ones of this importance, are transparent, and that the process is fair. The amendment is not necessary because the Secretary of State has to act fairly and reasonably in his office. It is not necessary to impose an explicit duty on the Secretary of State to give reasons for giving a direction. If a local authority believes that it was not given sufficient reasons, or that the process was unfair because it was not given sufficient opportunity to make representations, the remedy is judicial review. It is not just about the legality of the decision; it is also about the reasonableness of the decision, which is an important element of the judicial review that the local authorities have at their disposal.

I can reassure hon. Members that the Government are committed to putting in place a fair and transparent process. Local authorities know what is expected of them, and we have actively engaged with the sector to make that happen. It is in nobody's interest—particularly not mine or the Government's—to put in any doubt the potential to improve the level of adopter recruitment. That is at the heart of the clause. We are committed to working with the sector to find a sector-led solution to the crisis. We will look at its alternative proposals and consider the evidence of progress in the implementation of any alternative approach and agreements before we consider whether to give a direction.

Before we give a direction, we will give local authorities the opportunity to make representations. It will not be a one-way exercise; it will be a conversation, so that we ensure that we do not undermine the good work that is being done. We will ensure that any change that we make exemplifies that good work and makes it stretch more widely, whether through consortia arrangements or trying to get voluntary adoption agencies to work more widely across the sector.

Finally, I assure hon. Members that there is no need for an explicit power to revoke a direction. The power to make a direction includes the power to revoke it. I therefore urge the hon. Member for Wigan to withdraw the amendment.

Lisa Nandy: I am grateful to the Minister. However, of all the assurances he has given me on the Bill, his assurance that the Secretary of State has to act fairly and reasonably is more likely to keep me awake at night than reassure me that the process will be fair. On the other hand, I take his point that the Government will set out what constitutes a fair process, including the local authority's ability to make representations. I am not convinced at all that the Government are unable to write more safeguards into the Bill. I am always suspicious of wide-ranging provisions that grant power not just to the current Secretary of State, but to future Secretaries of State. Notwithstanding those concerns, I would like to give the Minister the opportunity to consider this more fully. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 3 ordered to stand part of the Bill.

Clause 4

Adoption support services: personal budgets

Lisa Nandy: I beg to move amendment 14, in clause 4, page 3, line 33, at end insert—

'(k) about the prescribed agencies from which adoption support services can be purchased, which must include voluntary adoption agencies.'.

[Lisa Nandy]

I am grateful for the opportunity to speak to the amendment in my name and that of my hon. Friend the Member for Washington and Sunderland West. It would allow adopters to buy their services from voluntary adoption agencies if they have adopted thorough the local authority, and vice versa. As with other measures in the Bill, we support the principle behind what the Government are trying to do. In general, we support the idea of personal budgets, and we believe that they can provide a useful package for other groups of children, such as those with disabilities, although my hon. Friend is more of an expert than I am. She has often made the point that personal budgets can be extremely useful, but they have to go hand in hand with a decent level of support for those who exercise them.

We seek clarification from the Minister about the fact that the clause enables parents to use their budget with voluntary adoption agencies if they have adopted through the local authority, and vice versa. We believe that there are practical reasons for that, not least because voluntary adoption agencies often have specialist services that local authorities lack, and because other local authorities might provide services that that local authority lacks. I talked about that a little earlier in relation to children with disabilities or special educational needs, and in relation to children from black and minority ethnic backgrounds. Since every child is unique it seems to make sense that parents have access to a range of good-quality services to meet their child's needs to the full. Subsection 4(e) of new section 4A of the Adoption and Children Act 2002 refers to the description of adoption support services to which personal budgets may relate.

In a policy statement on the clause made available to the Committee yesterday, the Minister said that he would set out the provision further in regulations. We do not have the detail of those regulations, so I would be grateful if the Minister confirmed whether that allows the scenario I described of local authority adoptive parents being able to buy services elsewhere, such as voluntary adoption agencies.

Mr Timpson: In the amendment, the hon. Members for Washington and Sunderland West and for Wigan seek to ensure that the regulations to be made in relation to personal budgets under subsection (4) of new section 4A of the Adoption and Children Act, which would be introduced under clause 4, prescribe the agencies from which adoption support services can be purchased, and would ensure that they include voluntary adoption agencies.

I recognise the important role that voluntary adoption agencies play in offering high-quality support to adoptive families, and I appreciate that the aim of the hon. Member for Wigan is to ensure that they can provide adoption support services. We know how important they are to many families. They have developed excellent resources that are clearly of benefit and are producing results for many children moving into adoptive placements.

I can assure the hon. Lady that the amendment is not necessary, because the law is already clear about who can provide adoption support. Such services can be provided by a local authority, a voluntary adoption agency, a registered adoption support agency, an individual providing adoption support services under contract with a registered adoption support agency or an adoption agency, a local health board or, at the moment, a primary care trust. I fully expect that many adoptive parents will choose to use their personal budget to secure support from voluntary adoption agencies, and the law as it stands would allow them to do so. I can assure the hon. Lady that that will be clearly set out in the regulations to follow. I hope that, in light of these assurances, she will withdraw the amendment.

Lisa Nandy: I am grateful to the Minister for that response. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

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

Clause 5 stand part.

New clause 3—*Assessment and provision of adoption support services*—

'(1) Part 1 of the Adoption and Children Act 2002 is amended as follows.

(2) In section 4, leave out subsection (1) and insert the following new subsections—

"(1) Subject to subsection (1A), a local authority must in each year offer an assessment of those persons' needs for adoption support services to—

(a) any of the persons mentioned in paragraphs (a) to (c) of section 3(1), or

(b) any other person who falls within a description prescribed by regulations (subject to subsection (7)(a)).

(1A) Any requirement for an annual assessment under subsection (1) can be postponed for one or more years with the agreement of the persons concerned.

(1B) Following any assessment under subsection (1) the local authority must—

(a) provide the persons concerned with the findings of the assessment;

(b) specify in writing what services will be provided to meet these needs;

(c) explain in writing where the local authority is unable to provide services to meet identified needs; and

(d) keep a record of all unmet needs and the reasons for them.".'.

New clause 5—*Long-term post-adoption and fostering support*—

'A local authority must ensure that its adoption support services, special guardianship support services and fostering support services are provided in a way which is in the long-term interests of those for whom they are provided.'.

New clause 6—*Status, rights and remuneration of non-biological parents*—

'(1) Before the end of one year beginning with the day on which this Act receives Royal Assent, the Secretary of State must—

(a) carry out a review of—

(i) options for the professional recognition of carers who look after children who are not their biological children, to include foster parents, residential social workers and adoptive parents;

(ii) the status and rights of these carers; and

(iii) arrangements for the remuneration of these carers; and

(b) publish a report of the conclusions of the review.'.

New clause 8—*Special guardianship support services: personal budgets*—

'In Part 2 of the Children Act 1989, after section 14F (Special guardianship support services), insert—

"14G Special guardianship support services: personal budgets

(1) This section applies where—

(a) after carrying out an assessment under section 14F, a local authority in England decides to provide any special guardianship support services to a person ("the recipient"), and

(b) the recipient is a child being cared for by a special guardian or a special guardian.

(2) The local authority must prepare a personal budget for the recipient if asked to do so by the recipient or (in prescribed circumstances) a person of a prescribed description.

(3) The authority prepares a "personal budget" for the recipient if they identify an amount as available to secure the special guardianship support services that they have decided to provide, with a view to the recipient being involved in securing those services.

(4) Regulations may make provision about personal budgets, in particular—

(a) about requests for personal budgets;

(b) about the amount of a personal budget;

(c) about the sources of the funds making up a person budget;

(d) for payments ("direct payments") representing all or part of a personal budget to be made to the recipient, or (in prescribed circumstances) a person of a prescribed description, in order to secure any special guardianship support services to which the budget relates;

(e) about the description of special guardianship support services to which personal budgets and direct payments may (and may not) relate;

(f) for a personal budget or direct payment to cover the agreed cost of the special guardianship support services to which the budget or payment relates;

(g) about when, how, to whom and on what conditions direct payments may (and may not) be made;

(h) about when direct payments may be required to be repaid and the recovery of unpaid sums;

(i) about conditions with which a person or body making direct payments must comply before, after or at the time of making a direct payment;

(j) about arrangements for providing information, advice or support in connection with personal budgets and direct payments.

(5) If the regulations include provision authorising direct payments, they must—

(a) require the consent of the recipient, or (in prescribed circumstances) a person of a prescribed description, to be obtained before direct payments are made;

(b) require the authority to stop making direct payments where the required consent is withdrawn.

(6) Any special guardianship support services secured by means of direct payments made by a local authority are to be treated as special guardianship support services provided by the authority for all purposes, subject to any prescribed conditions or exceptions.

(7) In this section "prescribed" means prescribed by regulations.'.

New clause 9—*Special guardianship support services: duty to provide information*—

'In Part 2 of the Children Act 1989, after section 14G (Special guardianship support services: personal budgets), insert—

"14H Special guardianship support services: duty to provide information

(1) Except in circumstances prescribed by regulations, a local authority in England must provide the information specified in subsection (2) to—

(a) any person who has contacted the authority to request information about special guardianship support,

(b) any person within the authority's area who the authority are aware is a special guardian for a child, and

(c) any person within the authority's area who is a special guardian and has contacted the authority to request any of the information specified in subsection (2).

(2) The information is—

(a) information about the special guardianship support services available to people in the authority's area;

(b) information about the right to request an assessment under section 14F (assessments etc for special guardianship support services), and the authority's duties under that section and regulations made under it;

(c) information about the authority's duties under section 14G (special guardianship support services: personal budgets) and the regulations made under it;

(d) any other information prescribed by regulations.'.

New clause 10—*Review of impact of under-occupancy penalty on prospective adopters, prospective special guardians and foster parents*—

'Before the end of one year beginning with the day on which this Act receives Royal Assent, the Secretary of State must—

(a) carry out a review of the impact of the housing under-occupancy penalty on prospective adopters, prospective special guardians and foster parents, and

(b) publish a report of the conclusions of the review.'.

As hon. Members will realise, there is a wide range of issues to discuss. We have grouped the clauses and new clauses together because the interaction between them makes one debate sensible. If an hon. Member wishes to speak to new clause 5, for example, that should be during this debate. Having said that, I ask the Minister to speak to the question that clause 4 stand part of the Bill.

Mr Timpson: I will now speak to this large group of clauses and proposed new clauses, which I know will make the hon. Member for Hyndburn ecstatic. The new clauses deal with the new adoption support duties laid on local authorities by clauses 4 and 5 and are designed to extend similar arrangements to other forms of care.

3.30 pm

The Chair: Before the Minister proceeds, I should make it clear that he does not have to respond at this stage to the new clauses in the group unless he wishes to—he does not have to anticipate the debate. I will leave it to him as to how he divides up his time. If he wishes to address the entire group in anticipation of the arguments, that is fine.

Mr Timpson: I am extremely grateful for that guidance, Mr Chairman. I will proceed to speak to clauses 4 and 5.

[Mr Timpson]

Adoption support services play a vital role in helping to address the specific issues that adoptive parents might encounter with an adopted child. Many adopted children have unfortunately been victims of past abuse, or have specific needs or disabilities that require some particular extra support, which adoption support services provide. Such support can cover a wide range of services, including therapeutic services, financial support, training and respite care.

The adoption support system can be opaque for parents. If, following an assessment, the local authority agrees to provide an adoptive parent with adoption support services to meet an identified need, it is entirely in the hands of the local authority to decide how such support should be provided and by whom. As we have heard, personal budgets are designed to change that by giving adoptive parents the right to take control of decisions about who provides the adoption support they have been assessed as needing, and how that support is provided.

A personal budget is a sum of money that a local authority decides is necessary to meet an individual's particular identified needs. It might be a notional budget that the individual can devise with the local authority, which then spends it on their behalf at their discretion, or it might be direct payments to the recipient, which the recipient spends themselves. We believe—I am grateful for the Opposition's support for this—that personal budgets will help to provide a greater degree of control for adoptive parents in the adoption support services system and empower them to play a more active role in identifying and securing the help that best meets their needs and circumstances.

We also believe that personal budgets have the potential to stimulate the market in the provision of specific adoptive services. More choice and control for parents is a step in the right direction, and we think that providers of related services might be encouraged to go further in the adoption support services market, as parents will have different preferences in the type of provision they want. That should also lead to increased competition, including among existing providers, with the most cost-effective providers being more sought after by parents and less effective providers needing to grow and develop their services to meet demand.

Of course, appropriate quality standards will still need to be met by providers of adoption support services, even with more choice for adoptive parents. Although the recipient of a personal budget will be free to choose which provider delivers the support they have been assessed as needing, and in what way it is delivered, providers will still need to be a registered adoption support agency, another local authority, a local health board or primary care trust, or be otherwise legally allowed to provide adoption support, usually through a contract with the local authority or an ASA. It is in that second category—those contracted to the local authority or ASA to provide adoption support services—that we expect the biggest growth to occur, particularly in the short term. Importantly, that will provide continuing safeguards in relation to the quality of provision, with clearly inappropriate providers unable to provide adoption support services.

As I said, the overriding aim of personal budgets is to give adoptive parents more choice and control. The right to a personal budget would, under the provisions in clause 4, be available to any adoptive person or adoptive parent where the local authority agrees to provide adoption support following an assessment of their needs under section 4 of the Adoption and Children Act 2002. However, we know that not all parents will want a personal budget, and that is why we are placing the choice in the hands of individuals: the local authority will not be forced by the provisions to prepare a personal budget for someone who does not want one. Where adoptive parents do want a personal budget, they will have the option of either a notional budget or a direct payment, or even a combination of the two, which will put them in the driving seat to decide on the most appropriate provision to meet their identified needs.

I assure hon. Members that we will ensure that appropriate safeguards are in place to guard against misuse of public funds. Whether the person opts to receive a notional personal budget or a direct payment, the recipient will not be free to spend that budget however they choose: the services purchased with the personal budget will be agreed with the local authority, drawing heavily on the local authority's own assessment of the recipient's particular support needs; and the provider of the support services must be legally permitted to provide such services.

In cases where a notional personal budget is prepared, the local authority will remain the effective bank for the budget. Although the recipient of the personal budget will decide, along with the local authority, how the budget should be spent, the local authority will purchase the provision on behalf of the recipient. Even in cases where direct payments are made—the recipient of the personal budget receives the money directly and purchases the provision that they require themselves—we will ensure that appropriate measures are in place to guard against the misuse of public funds. Regulations to be made under subsection (4) of the clause provide the means to put such measures in place.

Although the clause already provides for a number of safeguards, we want to do all we can to get the implementation of personal budgets for adoption support services absolutely right. We hope that adoption support personal budgets will demonstrate similar results to the special educational needs individual budget pathfinders, which tested the development of personal budgets for disabled children. Families who participated in those pilots reported improvements in satisfaction about the services they received and increased choice and control. We are making our reforms to adoption support to improve service provision and to be more responsive to families' needs and preferences. Personal budgets give parents the opportunity to exercise greater choice about adoption support service provision and the ability to play a far greater role in decisions about service provision for their family.

The primary purpose of clause 5 is to ensure that prospective adopters and adoptive parents receive better information about the adoption support services that are available to them. A greater awareness of adoption support services has the potential to aid the recruitment of prospective adopters, make adopters more open to adopting harder to place children and reduce the chances of adoptions breaking down. However, prospective adopters

and adoptive families have to be aware of the adoption support that is available to take advantage of it, and we know that many prospective adopters are unaware of the adoption support services that are available. Evidence published last year highlighted that 64% of adoptive parents were unaware of their entitlement to an assessment of their need for adoption support. That clearly suggests that the existing duties on local authorities regarding the provision of advice and information on adoption support services are simply not effective. They are too weak and there is too much scope for inconsistency in the information provided.

The new duty to inform will strengthen the existing duties on local authorities and send a clear signal about the importance of ensuring that information about adoption support services is readily available to those who need it. Although local authorities are free to decide how they fulfil the duty, we expect the majority to choose to do so through a locally tailored version of the new adoption passport, which will include information on adoption support services as well as national entitlements such as pay and leave from work. Local authorities will remain under a duty to appoint an adoption support services adviser, and we expect that that person will play an important role in fulfilling the new duty.

However local authorities decide to fulfil the new duty to inform, it will ensure that all prospective adopters and adoptive parents are provided with a range of information about adoption support, including their entitlement to an assessment of their needs for adoption support services and information about the adoption support services offered by their local authority. As I have said, regulations will provide the flexibility to prescribe circumstances where local authorities do not have to provide information. This might be appropriate, for example, where adoptive parents made multiple inquiries within a specified time period.

With better information, prospective adopters will be more able to make informed choices about adopting, while adoptive parents will be much clearer about what support is available to help them if and when they need it. It is clear that adoption support can make the difference between a successful placement and a distressing breakdown, but only if the families that need it are aware that it exists. I urge the Committee to support the clause and help to ensure that all prospective adopters and adoptive parents are aware of the support that is available to them.

Lisa Nandy: I very much welcome what the Minister has said. In the light of his comments, I wish to speak to new clause 10, tabled by me and my hon. Friend the Member for Washington and Sunderland West. Our purpose was ensure that prospective adopters, foster carers and special guardians were not adversely impacted by the housing under-occupancy penalty, or the bedroom tax as it has become more widely known. I have been slightly overtaken by events following my question to the Minister a couple of weeks ago, because the Government announced today that foster carers and foster children will count for the purposes of that policy. That is extremely welcome, and I am sure it had everything to do with the question that I raised in the Commons a couple of weeks ago, but I know the Minister has been making representations about the matter since before he became a Minister, so it certainly had something to do with him as well. In a spirit of generosity, I congratulate him on helping his colleagues to see sense.

Concerns expressed in new clause 10 remain, however: I am worried about the arrangements for prospective adopters and special guardians, and I will outline why the proposals may have an adverse impact on them. If the Bill is intended to ensure that more people come forward to enable children to live in the form of care that is right for them, we ought at the very least to conduct a review of the impact that the policy will have on those groups, if not exempt them entirely, as we do foster carers.

That concern is particularly pertinent to this part of the Bill, which covers the support that is available to parents. The Minister says he wants to ensure that prospective adopters are aware of the support available to them, because if they are aware of that support they are more likely to come forward, and more information will enable prospective adopters to make a more informed choice about a placement. It is also relevant to existing adoptive parents, many of whom decide to adopt another child. When I talked to charities about the impact of the measures, I came across a parent who had posted on a website:

> "We have one adopted daughter and have recently moved into a bigger home so we can adopt another child… Our local authority insist that all adopted children have their own bedrooms. At present we do receive a small amount of housing benefit. With the introduction of bedroom tax very soon I would like to know if they make exemption for children who are not allowed to share rooms due to adoption?"

The Minister has clarified that adopted children will count for the purposes of a bedroom, although not necessarily for a spare room, but there was real concern among the parents on that site about what would happen to prospective adopters who were waiting to be approved for adoption, and whether it would adversely impact on their ability to adopt a child if, in the meantime, the room that they were reserving for that child was deemed to be a spare bedroom.

It is not only adoptive parents who have raised such concerns, but organisations such as Action for Children and Adoption UK. Recently, Adoption UK stated:

> "Because of their early childhood experiences and circumstances of their adoption, it is often a requirement that adopted children have their own bedroom. If we are to strive for the best outcomes for these children, we must not be implementing reforms that hamper those decisions that are made with the needs of the child in mind."

As I made clear to the Minister at Education questions a few weeks ago, that is echoed by Department for Education guidance, which rightly sets out that children may well need their own bedroom when they join a new family, especially because of previous experiences but also because it can be an unsettling experience. According to Adoption UK, the issue is particularly problematic given that

> "recruiting more families for the thousands of children waiting for an adoptive placement is high on the Government's agenda. We are surprised that the Government hasn't taken this into consideration in drawing up the proposals and we hope to see this changed".

Bill Esterson: My hon. Friend is absolutely right about the concerns about the impact that the bedroom tax will have on prospective adopters. She is concentrating

[Bill Esterson]

on the need of individual children for their own bedroom, but the issue becomes even more complex with sibling groups, which are much harder to place. The size of the bedroom tax increases when more than one bedroom is involved. Does she agree that the matter needs to be given as much attention as the impact on foster carers, which, happily, has been resolved?

3.45 pm

Lisa Nandy: My hon. Friend has been raising these issues for some time, and his experience of going through the adoption process makes his contributions really telling. I agree with him that we ought not to make it more difficult for people to adopt children, particularly those children who are the most difficult to place. That is of course a pressing concern. I am grateful to him for drawing the Committee's attention to that matter.

I was intending to talk about the impact on foster carers but, given today's announcement, I do not need to spend a great deal of time doing so, which is welcome. However, charities have highlighted the experience of foster carers who are trying to seek information about the discretionary fund to which they would have to apply in order to make up the shortfall if they have a foster child. This is very relevant, given that special guardians and prospective adopters will still have to go through that process.

Those charities highlight alarming stories from across the UK. Some fosters carers were told that they could not have access to the discretionary fund at all—they were not eligible. Others were told that they would only receive a contribution, rather than the full amount to compensate them for the loss of housing benefit. Many reported receiving visits and letters from the housing department saying that they would have to downsize. Some foster carers were told that they would have access to the discretionary fund but would have to apply every four to six weeks, even though the children were placed with them on a long-term or permanent basis. Such accounts are very instructive if we are thinking of asking special guardians and prospective adopters to go through the process as well. The National Housing Federation has said that the discretionary fund that will help parents to plug that gap, whether they are special guardians or prospective adopters, will fall short by £100 million. Will the Minister commit to make money available if the fund falls short, to ensure that children are not denied a loving home because of the impact of this policy?

Grandparents Plus is also very concerned about the impact on special guardians. It says it is aware of many cases of special guardians who will be adversely affected by the introduction of housing under-occupancy provisions, especially those people whose own children have now left home and who have not yet reached retirement age. Grandparents Plus makes the point that many special guardians are dependent on benefits directly as a result of having to give up work to take on the care of vulnerable children. We should not seek to penalise those people further.

Grandparents Plus provided a number of examples. The first is a grandmother living in a council house with three bedrooms, one of them a box room, who is raising two grandchildren. She faces loss of housing benefit because her grandson and granddaughter are under the age of 10 and are deemed to be of an age where they have to share. That raises all sorts of problems: there is the obvious problem that, if she moves house, she will have to move again in a few years' time. My hon. Friend the Member for Sefton Central made the point about the vulnerability of the children involved in such cases. They have been forced to leave their home, where they were living with their mother and father, to go into new arrangements, and we should not say that they must have a lesser standard of care. Why do those children not need their own bedroom, when the Department for Education guidance makes it clear that other children in very similar situations, albeit with a different form of legal guardianship, do? We are very concerned. We would prefer a guarantee that the bedroom tax will not apply to prospective adoptive parents and children in special guardianship arrangements. We will be grateful for the Minister's assurance about that today, given what we have now learned about the arrangements for foster carers.

The purpose of new clause 10 is to ensure at the very least that, when the policy is independently monitored, specific consideration will be given to the impact on these families. The Government have made a commitment to independent monitoring that will cover the impact on housing supply, rural areas, people who are unable to share rooms, vulnerable individuals, health and well-being, family life and so on. If the Minister will not give an assurance today that children in those arrangements matter just as much as children in foster placements and in their own families, will he at least commit to ensuring that those children are very visible in the impact assessment, that they are considered specifically, and that the impact on the supply of special guardians and prospective adoptive parents is also considered?

Bill Esterson: I will speak to the new clauses in my name in the group, as well as supporting new clause 10, which stands in my name and that of my Front-Bench colleagues, my hon. Friends the Members for Wigan and for Washington and Sunderland West.

I completely agree with my hon. Friend the Member for Wigan about the bedroom tax. Everybody who has made the case for foster carers being exempted has done a fine job for some of the most vulnerable children in the country, and should be commended. As recently as yesterday's Department for Work and Pensions questions, I asked the Secretary of State about it, so we kept the momentum going. I think that the largest number of Members that I have seen since I have been in the House stood up to try to ask a supplementary question on that issue, which shows the strength of feeling across the Chamber. Broadly, the right decision has been made, but the long-term implications still need to be reviewed. New clause 10, including its provisions on the impact on foster carers, remains valid because of the one-year period referenced in what the Government have proposed today.

My hon. Friend is right to talk about the other people who look after vulnerable children who are still affected by the bedroom tax, and the review will be extremely important. I will need to hear extremely strong reasons from the Minister to persuade me that the new clause should not be pressed to a vote at the appropriate time.

Speaking to clause 5 stand part, the Minister mentioned increasing awareness of the availability of post-adoption services. That is undoubtedly important, but I have a concern that I think will be raised at other points in our proceedings—for example, when we come to the local offer for special educational needs. We can have all the information in the world on post-adoption services, which are incredibly important, but if the financial situation is so dire that local authorities are unable to make sure that those services are available, access will be difficult. I would like to hear from the Minister how signposting will improve the level of service, and not just provide information about what may or may not be an adequate service. That is why I tabled my new clauses.

In its written submission, Barnardo's drew the Committee's attention to the poor quality of child and adolescent mental health services. It said that

"all adopted children and those in foster care, with special guardians and in the care of family and friends should have priority access to Child and Adolescent Mental Health Services".

I know from personal experience that having good mental health services for children in care and children who are adopted is very important. I also know just how difficult it is to access those services—in some parts of the country they are more or less non-existent, which is a grave concern. I am sure the Minister is aware of that, and I hope he will take it on board.

We heard similar remarks from the ADCS in our oral evidence sessions last week. Debbie Jones made the point that neither a review nor signposting on its own is enough. The Minister has made it clear that the intention is that there will be a review process to demonstrate whether or not services are adequate, but as Debbie Jones of ADCS said:

"The danger is that there will be a perpetual cycle of review that ends up not pleasing anyone. You are in a position of having raised expectation without being able to produce the resource. Actually, what you want to be able to do is to get it right, or near right, first time. That is the aim behind it. So I think there is a risk there".

The risk she talks about is that the services will not be available, however good the information. As TACT told us in its written submission:

"Addressing the chronic shortfall in the number of adopters"—

which it welcomed—

"is only one part of the puzzle: it is also crucial to improve the support available after the adoption order has been granted to give these adoptions the best chance of working. Adopted children and their families are likely to be faced with many emotional and physical challenges due to the impact of the abuse or neglect that led the child to being taken into care. Families need access to expert support to help them deal with these issues. The silence of the Bill on this issue represents a short-sighted approach to adopter recruitment and a significant missed opportunity".

[Interruption.] Does my hon. Friend want to intervene?

Lisa Nandy: I was just trying to make sure that my hon. Friend the Member for Manchester Central did not give birth in the middle of the Committee Room, but I am sure it has been dealt with. I will continue listening with interest to what he has to say.

Bill Esterson: I am extremely grateful for that intervention. I was getting worried about the cause of the disquiet next to me.

My new clauses address the point that TACT made about the silence of the Bill. The point was made at Second Reading that the Bill is notable for what is not in it rather than for what is. That is something that I have tried to highlight with my new clauses, as have my hon. Friends on the Front Bench. Kevin Williams from TACT also told us last week that:

"Certainly, we have some concerns that the Bill is a missed opportunity to think about post-adoption support. That is not just post-adoption support during the early years of adoption. Our experience is that post-adoption support is required throughout the life of the child and the life of the placement, particularly at the onset of adolescence. We see a number of placement disruptions occurring or adoptive families experiencing difficulties as adopted children become adolescent. These are children with very complex needs from poor early life histories".—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 19, Q43.]

That statement from TACT is the reason I tabled new clauses 3 and 5: this is a long-term commitment and support needs to be there.

3.58 pm

Sitting suspended for Divisions in the House.

4.28 pm

On resuming—

Bill Esterson: New clause 3 says local authorities must assess the needs of adopted children each year and make it clear if services cannot be provided. New clause 5 addresses long-term needs in adoption, fostering and special guardianship.

Debbie Jones from the Association of Directors of Children's Services told us:

"Post-adoption support is crucial. The issue about post-adoption support is that frequently, particularly if children are placed at a young age, the difficulties may emerge very much later. The issue of looking at ways of finding resources into the longer term is a significant one. If you are talking about a child who is placed at four and has few problems, you are having to predict what will happen when they are 14, 15 or 16. We want to ensure that these placements last, and adopters should have the same right of access to support."

Andrew Webb of ADCS added:

"if it is a child whose needs appear to be well met in the early years of an adoption and they become more problematic later, the sort of intervention that is required is usually very specialist. An attachment disorder that manifests itself in really extreme behaviour in the early or mid-teens generally does not respond to the routine services that are available. So it is a question not only of how you keep the money sitting there to draw down over an extended period, but how you ensure that those specialist resources for family therapy or child and adolescent psychiatry are actually there, because it goes beyond what is on offer in many places, and there is a sort of clinical priority waiting list approach to the services, which we would want to short-cut."—[*Official Report, Children and Families Public Bill Committee,* 7 March 2013; c. 148-49, Q307.]

We have that evidence from the local authorities about the importance of long-term planning when it comes to support for adoption, fostering and special guardianships, and new clauses 3 and 5 attempt to address that. I hope that the Minister will take those concerns on board.

New clause 6 would improve services over the long term by addressing some of the problems involved in recruitment and retention. It deals with the status, rights

[Bill Esterson]

and remuneration of everybody who is involved in caring for the vulnerable children who end up in the care system. Those people are caring on behalf of the rest of us, and their status is often not particularly high, as is evidenced when foster carers, adoptive parents or special guardians meet other professionals such as teachers, health professionals or the police. They are not seen as equals in the professional sense; they are seen as parents or carers and at a much lower level. As carers for those who have gone into the care of the state, they have as much right to professional status, support and encouragement as any of the other professions that I have mentioned.

Through new clause 6, I seek to recognise that status, and ask the Government to review what might be done about the problem through professional qualifications, remuneration or other approaches. After all, if we want more adoptive parents, foster carers, well qualified residential staff in care homes, kinship carers and special guardians, we need to find ways of attracting them. The new clause would help us to do that.

Lucy Powell: It is a pleasure to serve under your chairmanship, Mr Chope. I reassure the Committee that I am not about to give birth and that I will, I hope, be here for the duration of the Committee's deliberations. I echo my hon. Friend the Member for Wigan in congratulating the Minister on his lobbying for the concession that was announced today, which exempts foster carers from the bedroom tax. As my hon. Friend the Member for Wigan said, we can go further, and I hope that the Minister will use his leverage to make the necessary amendments to this otherwise quite damaging piece of legislation.

New clauses 8 and 9 are supported by the Kinship Care Alliance, which includes the Family Rights Group, the Grandparents Association, Grandparents Plus, the British Association for Adoption and Fostering and the Fostering Network, among many others. I thank them for their support in constructing the new clauses. I am sure that the Government do not intend to create a two-tier system within personal budgets, but I fear that by excluding special guardians from the provisions for personal budgets and from the duty to provide information, they will create exactly that. Special guardians, foster carers and adoptive parents play equally valuable roles in meeting the needs of vulnerable children, and I would like special guardians to be given the same rights as adoptive parents. As BAAF has said,

> "It is not acceptable as the Bill does in this clause to introduce a difference that separates adoption from special guardianship when the children are the same children."

As we discussed earlier, in many cases, special guardians are kinship carers, and do not want to go down the route of full adoption because of complex family dynamics and for other reasons, but they provide the permanency and stability that an adoptive family ultimately provides to a child.

There is an issue, as was made clear in the evidence that we heard last week, to do with permanent foster arrangements becoming special guardian or adoption arrangements. Many families lose support when they go from being foster carers to special guardians. Last week, Kevin Williams from TACT said:

> "The difficulty with special guardianship and residence orders is the loss of support—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.]

That was echoed in other evidence given to us last week.

I am sure that all of us on this Committee understand the value of special guardianship orders, and the vital part that they play, but many families are unable to get the support that the personal budgets part of this Bill is intended to give adoptive parents. Special guardian parents are unable to get that extra support, which might pay for transport, the cost of visiting a child's parents, or dealing with a traumatised child. Family holidays are another example where a normal childhood experience needs to be on offer, but many parents with the special guardianship right are unable to afford that. I hope that the Minister will extend this part of the clause not just to adoptive parents but to special guardian parents.

On the duty to provide information in new clause 9, although special guardians already have some rights to receive information, it is patchy. The Bill is an opportunity to ensure that all local authorities have a duty to provide information to special guardians. Many of them describe challenges in finding and sorting out school places for their children, getting assessments and access to services to meet a child's special needs, and moving or making changes to their house—a point that relates to the issues that my hon. Friend the Member for Wigan raised about the bedroom tax. Special guardians have for a number of years struggled to get access and assessments that are needed if a child has special needs. Often, they do not have access to the networks and the knowledge that would help them get the specialist services that they need. They often find it difficult to get legal advice as well.

Given the support for the new clauses, the fact that they would not add a huge burden to local authority budgets—they are just about sharing best practice, and making sure that existing provision is protected and given as a right—and that the Minister would not want to create a two-tier system under clauses 4 and 5, I hope that he will consider my new clauses.

Mr Timpson: This has been an important debate on elements of the adoption system that we desperately need to improve. Before I respond on new clauses 3, 5, 6, 8 and 9, it is probably pertinent to speak to new clause 10. I thank hon. Members who have been kind enough to judge that I had some responsibility for the decision in the Department for Work and Pensions. It is true that I had a number of discussions with the Secretary of State and the Minister responsible, and we are in agreement that this is the appropriate response.

I am, of course, delighted that the Department for Work and Pensions has today agreed to change the under-occupancy rules in relation to foster carers. As the Committee will be aware, this morning, the Government laid before Parliament amending regulations that will mean that approved foster carers will be allowed an additional bedroom. That will apply to foster carers who have a foster child living with them, and to those who are between placements, so long as they have

become an approved foster carer within the last 12 months. Crucially, it will apply to foster carers in both the social rented sector and the private rented sector. That is an important distinction, and it is an improvement on the current position.

To address the other elements of the new clause, if a child has been placed with a prospective adopter, has been adopted, or is being cared for under a special guardianship order, they are already included in the calculation of how many bedrooms their household needs. Approved prospective adopters who have a spare room ready for a child and intend to adopt, as well as people seeking a special guardianship order, will be able to apply for support from the discretionary housing payment fund. I want to reassure the hon. Member for Wigan and other hon. Members that we will monitor the use of the fund to ensure that those particular groups are not adversely affected by the under-occupancy rules.

It is right to point out that the rule has not yet come into effect. As it comes into effect in April, there is nothing to evaluate at the moment, apart from surveys on fostering undertaken by The Fostering Network and others. However, I can commit to reviewing and monitoring progress from April to assess the impact of the changes. I hope that this reassurance will comfort the hon. Lady.

Lisa Nandy: I am grateful to the Minister, both for the reassurance and for the spirit in which he has approached the debate. Will he confirm that his assurances will apply to prospective adopters in cases in which the child has not yet been placed with them? I gave the example of a family with a spare room; the bedroom tax was about to come into force, and they were not sure whether it would kick in at that point.

Mr Timpson: Neither the Secretary of State for Work and Pensions, the Minister with responsibility for Welfare Reform—Lord Freud—nor I want the spare room subsidy to deter foster carers, prospective adopters or, for that matter, prospective special guardians. We have been working to resolve this, and I have given the hon. Member for Wigan an undertaking that we will continue to look at it. In fact, we have already gone further today than her new clause on foster carers. I hope that demonstrates the Government's commitment to the issue. Certainly, from my point of view, it is important to keep this under close review, so that the wider reforms to the adoption system are encouraged by the overall package of support that we are able to offer those who look to adopt in future. As I have provided those assurances, I hope that the hon. Lady will not press the new clause to a Division.

New clause 3 would change the trigger for local authorities to assess a person's adoption support needs by amending section 4 of the Adoption and Children Act 2002. I share the wish of the hon. Member for Sefton Central to ensure that local authorities properly assess the needs of both prospective adopters and adoptive families. As I have already explained, too many adoptive families are not aware of their right to an assessment. In addition to the steps taken to address this through clause 5, we are also helping to increase awareness by making this information available through the adoption passport that I mentioned earlier, and via the adoption gateway.

Bill Esterson: The difference between what the Minister is proposing and what I am proposing is that he is making information available for people who cannot find it, and I am suggesting that there should be an automatic right to an assessment. There is a significant difference between those two positions. I hope that the Minister will acknowledge that.

Mr Timpson: There is currently a right to request an assessment. However, as the hon. Gentleman acknowledges, new clause 3 seeks to achieve something similar to what we have proposed. His new clause requires local authorities to offer to undertake an annual assessment of the person's need for adoption support, unless the local authority has agreed with the person involved to postpone it. I hesitate to say it, but there are a number of difficulties with that approach. First, the new clause, as he presents it, would remove a large degree of flexibility from the system. At present, prospective adopters and adoptive parents are able to request an assessment of their support needs at the most appropriate time for them, depending on their particular circumstances and when support needs arise.

4.45 pm

New clause 3 would remove that flexibility by requiring assessments to be offered annually, which may not coincide with the presentation of adoption support needs. That could lead to a situation where an adoptive family have an assessment in January and are found to have no support needs, but such needs present themselves in June. Having already had their yearly assessment, there would be no duty on the local authority to assess them again on request, as there would be now. Our proposal will provide flexibility.

Secondly, new clause 3 would present a difficulty for local authorities, because adoptive families may move from one area to another, and there is, rightly, no requirement on them to inform local authorities about their movements, because they have the full and sole legal responsibility for the children in their care. The new clause would mean that a local authority would be in breach of its statutory duty if it did not offer an annual adoption support needs assessment to prospective adopters and adoptive families within their area, or obtain agreement from the persons involved that the annual assessment could be postponed. The new clause would be impossible for a local authority to comply with in relation to adoptive families and prospective adopters of whom the local authority were unaware. In addition, new clause 3 would require the local authority only to offer someone an annual assessment of their adoption support needs but not actually to carry out such an assessment.

I assure the hon. Gentleman that existing legislation addresses the issues that proposed new subsection (1B) in new clause 3 addresses. Local authorities are already under a duty under section 4 of the 2002 Act to prepare a plan when they decide to offer adoption support services. Additionally, regulation 17 of the Adoption Support Services Regulations 2005—I am happy to supply that to the hon. Gentleman, as I am sure he will want to go through it with a fine-tooth comb—requires local authorities to give notice to the person who has been assessed of their decision about whether to provide adoption support services and invite them to make

representations. Regulation 18 places a duty on local authorities to notify the person concerned about their decision and the reasons for it.

New clause 5 is designed to ensure that local authorities provide adoption, special guardianship and fostering support services in a way that is in the long-term interests of the recipient families. Clearly, adoption support services play a vital role in addressing specific issues, such as behavioural problems and forming attachments, that adoptive parents might encounter with an adopted child. Many adopted children have, unfortunately, been victims of abuse or neglect. The provision of a range of adoption support services is a crucial element of the statutory framework introduced by the 2002 Act. Such support includes therapeutic services, financial support, training for adoptive parents and respite care. We want to ensure that adopters and their children receive the best possible support whenever they need it. That is the motivation behind clauses 4 and 5.

It might be helpful to say a few words about special guardianship, which was introduced relatively recently—in December 2005—to provide an additional permanence option for children who cannot return to their birth families. Special guardians do an important job, and I and, I am sure, other hon. Members appreciate their work and desire to support them. The role is relatively new, and we still have much to learn about the way it is working.

The Department commissioned the university of York in March 2012, six years after the introduction of the order, to carry out a two-year research project to investigate how special guardianship is working in practice and the rates and reasons for any breakdowns. The final report is expected in the summer of 2014. That major piece of research—the first of its kind on special guardianships—will help us to understand how well special guardianships support children and their families. We will take the findings into account when considering whether any changes need to be made and will involve both the voluntary and statutory sectors in those discussions.

Unlike for adopted children and those cared for under a special guardianship order, foster carers care for their foster children on behalf of the state. Responsibility for protecting and promoting foster children's welfare and for meeting their maintenance costs therefore lies with the responsible local authority. The authority must set out the child's needs and how it intends to meet them in the child's care plan. It should include any support the foster carer might require to meet the child's needs.

Regulations also place a duty on fostering services to provide their foster carers with the training, advice, information and support that they need to care for their foster child. The Government set a national minimum allowance that is the minimum that we expect any foster carer with a child in placement will need. Foster carers should not be expected to subsidise the cost of caring for their foster children. The recent court case that has been in the news illustrates the importance of local authorities doing just that.

As part of our improving fostering services programme, which I spoke about earlier, we have spoken to approximately 300 people, including many foster carers, about what works and what could be done better. As a result, we are planning a number of improvements. That includes plans to improve support for long-term foster care placements. We want there to be support that reflects the enduring and committed nature of those relationships and that is flexible and responsive to the continuing needs of long-term foster families.

The Government are committed to ensuring that families who adopt or foster, or who care for a child under a special guardianship order, receive the support that they and their children need. Support is already in place for those families, and we are considering how that might be improved. Of course, we will continue to keep that under review and look at how we can do it better in the future.

Turning to new clause 6, I understand the concern of the hon. Member for Sefton Central that those who care for vulnerable children should be recognised and remunerated. His new clause makes specific reference to staff working in children's homes, foster carers and adopters. As we know, adopters open up their homes and make a lifelong commitment to the children whom they adopt. Although they are not the child's biological parents, they are the child's parents legally and in every other sense. They are looking after their own children and should not be required to undertake core training and hold minimum qualifications, as is the case with foster carers and children's home staff, who are responsible for looking after children on behalf of the local authority. I hope that the range of improvements that we are making to the adoption system will support them better in their sometimes demanding role.

I acknowledge that the professional contribution of children's home staff and of foster carers is important. I agree with the hon. Gentleman that they carry out very important work in looking after some of our most vulnerable children. Children's homes are required to provide looked-after young people with security, stability and support, yet children's home staff may be some of the least qualified and trained professionals responsible for looked-after children.

As I have already mentioned, the next steps in our children's home reform programme, which will be announced shortly, will involve consideration of what measures might be necessary to improve the skills, knowledge and training of children's home staff. That will involve discussion with children's home providers, local authorities and other interested parties. That process allows us the opportunity to consider whether there would be benefits from professional registration, which would bring arrangements in England more in line with practice under the devolved Administrations. I will be happy to discuss with the hon. Gentleman at a later date the progress that we are making.

Andrea Leadsom (South Northamptonshire) (Con): Does my hon. Friend the Minister acknowledge that as important as the professional skills of those working with very young children is ensuring that they have the right level of empathy skills? All too often, someone who is extremely highly qualified does not have the empathy to be able to give a child an appropriate hug or word of encouragement or love, which children very often crave.

Mr Timpson: As ever, my hon. Friend makes an important contribution to the debate. Clearly, we want to have working with children highly skilled, professional people who have not only a strong academic background

to fall back on, but what are often called soft skills—what she has described as empathy. We are talking about the use of emotional intelligence, which can be a very powerful way of providing the right level of care and support, understanding the situation that the child is in and being able to adapt to the child's situation, which will bring out the best in the child, rather than just sticking to a rigid learning structure that they have used as a way of ensuring that they are fulfilling their duties as a professional. My hon. Friend touches on a very important point.

It is the case that 75% of all looked-after children are cared for by foster carers. The dedication, commitment and skills that they bring to the role are huge. The children whom they look after have often experienced severe neglect and trauma, and that should not be underestimated. Foster carers need support and training to enable them to carry out that complex task, but they also need to be respected, key members of the team that is responsible for the child's care. In the past, foster carers' experience has often been overlooked in assessing the needs of an individual child who is in care and how they can be better supported. Improving the status, training and support of foster carers is central to our improving fostering services programme.

Alongside that, we have recently consulted on provisions to help local authorities to improve the way in which day-to-day decisions about the care of foster children are delegated to foster carers. We spoke earlier in the debate about the delegation of haircuts, sleepovers and holidays, and effective delegation is crucial if foster carers are to be empowered to deliver their parenting role. I am grateful to the hon. Member for Sefton Central for offering me the opportunity to outline some of our plans for improving the status of, and the support for, children's home staff and foster carers.

I am conscious that we have only five minutes, so I will quickly speak to new clauses 8 and 9. New clause 8 would extend our proposals for personal budgets for adoption support services to special guardianship support. I emphasise to the hon. Member for Manchester Central that we are not creating a two-tier system. As the hon. Member for Wigan pointed out, I am on record, as was my predecessor, as saying that there is no hierarchy within the care system; it is about finding the right permanency for each individual child. That may be special guardianship, and we have seen a large rise in the number of special guardianship orders in recent years, which is why we need to evaluate their impact carefully and understand what effect they are having.

We plan to pilot personal budgets in adoption support over the next two years to see how they work in practice and whether they deliver the expected benefits. I am grateful for the support across the Committee for those plans. The pilots will give us a much better understanding of the possible benefits of personal budgets, which, alongside the richer understanding that we will have of how special guardianship is working, will allow us to reach an informed view about the potential for personal budgets for special guardians. I reassure the hon. Member for Manchester Central that we will continue to look at the matter as we understand more about the role of special guardians and what support is effective for them in providing the best care possible.

New clause 9 would place a new duty on local authorities in England to provide information on special guardianship support services to specified people. That would replicate the duty to inform in clause 5. Unlike for adoption support services, we have no evidence at present about the levels of awareness of support services among special guardians or those who are interested in special guardianships. The research that we have commissioned, which I have mentioned, into special guardianship will tell us more about the information and support needs of special guardians. We do not believe that it would be right to take the steps outlined in the new clause without having considered that research. I reiterate, however, that we will evaluate the research carefully and look at whether personal budgets might form part of the support services available to special guardians in future. In the light of my assurances and the issues that I have outlined, I hope that the hon. Member for Manchester Central will agree that the new clauses are unnecessary.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. —*(Anne Milton.)*

4.58 pm

Adjourned till Thursday 14 March at half-past Eleven o'clock.