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GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND FAMILIES BILL

Ninth Sitting

Tuesday 19 March 2013

(Morning)

CONTENTS

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Saturday 23 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 19 March 2013

(Morning)

[Mr Dai Havard *in the Chair*]

Children and Families Bill

Written evidence to be reported to the House

CF 35 Hilary Terry

CF 36 Dominique Brockhaus-Grand

CF 37 Stacey Green

CF 38 Suzanne Aldridge

CF 39 British Association for Adoption & Fostering

CF 40 Professor Liz Trinder, Alison McLeod, Julia Pearce and Hilary Woodward (Exeter University) and Joan Hunt (Oxford University)

CF 41 Sir Martin Narey, Government Advisor on Adoption

CF 42 Down's Syndrome Association

CF 43 Angela Davies

CF 44 Sue Gerrard

CF 45 The Law Society of England and Wales - supplementary evidence

CF 46 Nagalro - supplementary evidence

CF 47 National Association of Independent Schools and Non-Maintained Special Schools (NASS)

CF 48 Nasen

CF 49 Communication Trust

CF 50 Together for Short Lives

CF 51 Department for Education

CF 52 Consortium of National Specialist Colleges

CF 53 Disability Rights UK

CF 54 Federation of Small Businesses

Clause 14

Care, supervision and other family proceedings: time limits and timetables

9.25 am

Lisa Nandy (Wigan) (Lab): I beg to move amendment 28, in clause 14, page 12, line 15, after 'issued', insert

'unless the court considers it necessary in order to safeguard or promote the child's welfare to permit additional time for the disposing of the application.'.

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

Amendment 33, in clause 14, page 12, line 35, at end insert

'or promote the child's long-term welfare.'.

Amendment 29, in clause 14, page 13, line 4, after 'weeks', insert

'or, having taken into consideration the safeguarding and promotion of the child's welfare, following evidence presented to the court relating to a planned programme of intervention, such longer time period as the court deems appropriate.'.

Lisa Nandy: We support the efforts to remove unnecessary delay, especially given that, currently, it takes an average of 60 weeks to conclude a care case, but speed should never come at the expense of getting it right for children. I tend not to favour time limits and targets, which can be too blunt an instrument and produce perverse outcomes if they are not thoughtfully constructed and used sparingly. In this case, however, in the absence of other levers to ensure that timely decisions are made, the Government are broadly right to accept David Norgrove's recommendation of a six-month time limit. I am nevertheless surprised that the Government have set out the time limit in primary legislation. When I checked with the House of Commons Library, staff were unable to find any other example of a time limit being set out in primary legislation, and David Norgrove recommended that the time limit be set out in secondary legislation. I am grateful that the Government have conceded that the time limit may be changed by secondary legislation under proposed new section 32(9) of the Children Act 1989, which the clause inserts, and I hope that the Minister will commit to keeping the time limit under review to ensure that it is not too inflexible.

That is the purpose behind the amendments that my hon. Friend the Member for Washington and Sunderland West and I have tabled. Amendments 28 and 29 seek to address the fact that all laws have exceptions. Although most cases should be able to be concluded within six months, it is clear that not all can be concluded within that time in the interests of a child. Our amendments are designed to ensure flexibility in the system and to ensure that the desire for speed does not undermine children's best interests or, in the words of The College of Social Work, focus too much

"on procedure and not on the welfare of the child."

We agree with the all-party group on child protection, the National Society for the Prevention of Cruelty to Children and others that it is preferable that, where it is clear from the outset of a case that it will take longer than 26 weeks for reasons that are central to the interests of a child, it should be possible to extend the limit without resorting to the system set out in the clause of continually seeking eight-week extensions. I will provide a few examples of where that might be relevant.

The first is to allow for factors that are relevant to a child's welfare but are outside the court's control. An example is where a decision that affects a parent is being taken that will be central to that child's future—an immigration decision, a criminal conviction or possibly a reunification with relatives overseas.

The second is to allow opportunities for a meaningful and sustainable change in a parent's behaviour; the reports by the all-party group and the Select Committee on Justice give a few examples of that. The family drug and alcohol court's initial evaluation is worth reading because it appears to save money, help to reunite more children with their parents, and help to ensure that children who cannot return home are placed more quickly, but that intervention takes an average of 52 weeks. When it is known from the outset that such a process is under way, it makes little sense to have to go back to court to seek eight-week extensions to the child's case. The NSPCC's infant and family team model, which works with nought to four-year-olds who have been maltreated, has received a great deal of attention recently. It takes around 12 months before a final recommendation

is made to the court, but it improves outcomes for both children who are adopted and children who are not. The point is that such processes take longer than 26 weeks, but have extremely good outcomes.

Bill Esterson (Sefton Central) (Lab): My hon. Friend has given some examples of where flexibility would be needed regarding the 26-week limit, and I have another. Sometimes family members come forward late in the day, either because they have not understood the seriousness of what is going on, or, in some cases, because they are abroad and might not have known about the problem. The amendments seek flexibility while accepting the 26 weeks in principle. I think that is what she is driving at.

Lisa Nandy: My hon. Friend is absolutely right. When taken in the context of some of the other measures in the Bill, it is particularly important that we have some flexibility in the system. That flexibility can also be beneficial to teenagers, who may have stronger attachments to their birth family. Strong concerns have been raised about the lack of flexibility in the clause as currently drafted. The College of Social Work said that as it stands, the proposal undermines careful decision making by professionals working with the child and family, including social workers, by imposing a largely inflexible time limit.

None of the measures are aimed at the central cause of delay, which is pre-proceedings work. I would like to hear how the Minister proposes to tackle that, given the extreme pressure on the children's work force, which the Committee has already discussed. Case applications were up 10% on last year, so the pressure on courts and on pre-proceedings work is inevitable. It seems fitting that we are discussing this on world social work day, given the centrality of the social worker to this process.

David Norgrove made the point very strongly in his report, saying:

"We acknowledge that a time limit would not of itself guarantee success but it would give a strong focus to the wide ranging programme of fundamental reform that is required."

He went on:

"Implementation of a statutory time limit would require thorough and extensive preparation, debate, and training. This would take time and there would be a need to trial and pilot new approaches. It could not happen in isolation. It would need successful delivery of the other changes we propose."

He also said that it

"would require significant improvement to process and procedure."

I will be grateful if the Minister replies to those concerns when he speaks to the amendments.

Our central concern is the "specific justification" requirement in proposed new subsection (7), which the College of Social Work believes will deter social workers and professionals from seeking extensions, except in cases where the evidence they can present to the judge is incontrovertible. The college said:

"Procedural compliance will trump professional judgement, the exact opposite of the child protection principles promulgated by the Munro review."

The college also points specifically to proposed new subsection (6)(b), which seems to put the court proceedings in the balance with child welfare. Having read the clause carefully, that assessment seems to me to be correct. I would be grateful if the Minister explained the thinking behind that; it seems entirely the wrong approach and we would welcome revision.

In its recent report looking specifically at the six-month time limit, the all-party group on child protection said:

"The impact of the proposed time limit on the paramountcy of the child's welfare is far from clear."

The amendments would help to ensure that the child's welfare remains paramount. Despite the fact that we support what the Government are trying to do in clause 14, we would welcome more flexibility in the system.

Lucy Powell (Manchester Central) (Lab/Co-op): I will speak to amendment 33, which stands in my name. I very much support everything that my hon. Friend the Member for Wigan said in her fantastic speech, but the purpose of my amendment is to ensure that court timetabling is sufficiently flexible to allow for constructive delay where that is necessary for the child's long-term welfare. As it stands, the legislation would curtail effective interventions with children and their families that last longer than 26 weeks. My amendment would enable the court to set a timetable at the outset of proceedings that enables such interventions when it is in the best interests of the child, rather than requiring a series of eight-week extensions to be sought.

It is likely that the 26-week time limit proposed in clause 14 will, in some cases, either reduce the time available for parents to demonstrate their parenting abilities—that point has already been raised—or squeeze out potential family carers because there is simply not enough time to consider their application, and, in the case of special guardianship applications, their support needs, before the proceedings are concluded. There are also circumstances in which a longer period may be essential for the child's needs to be addressed: for example, in special guardianship cases, more time may be needed to develop a robust support package that is critical to the placement working. That might include support for difficult contact arrangements, or to prevent significant financial hardship, after the local authority's report to the court on whether a special guardianship order would meet the child's needs, which can take three months, is concluded.

Another example is if the pre-proceedings work with the family has not been done or the situation has changed at the last minute, such that a family member needs to be considered late in the day, as my hon. Friend the Member for Sefton Central said. We are already hearing about family members being denied an assessment once the case is in court. More time would allow parents who have consistently demonstrated to the family drug and alcohol court's intensive support team that they are turning their life around to have sufficient time to prove to the court that they can sustain such an improvement.

In other cases, especially in relation to older children, it is in the child's long-term best interests that time is taken to ensure that the family-based arrangement for the child is sufficiently supported and tested. Over-emphasis on a fast time scale might be counter-productive for older children. The Opposition Front Benchers' amendment allows the court greater flexibility to ensure consideration that the child's long-term welfare needs are met. Given the acceleration of care proceedings under the 26-week timetable, families will need to be supported to address identified concerns and make safe plans for their children before care proceedings start.

The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson): It is a delight to have you back in the Chair, Mr Havard. As we were all tucked up early last night, we are going to be on cracking form today.

Amendment 28, tabled by the hon. Members for Wigan and for Washington and Sunderland West, would remove certain cases from the ambit of the 26-week time limit if it appears that additional time is required to safeguard the child or promote their welfare. I will begin by setting out the motivation for these important reforms.

We all agree that avoidable delays in decision making, whether by local authorities or in the courts, can be damaging to children in particular. They can add to emotional insecurity and affect children's prospects for returning to or finding a permanent, loving home. We have heard that message often in this debate. It is simply not acceptable, as the hon. Member for Wigan rightly emphasised, that children wait an average of 47 weeks—until recently, about 57 weeks—for their care or supervision cases to be resolved. That is why our reforms introduce a series of measures to ensure that the family justice system can deliver better for children and families, and keep children's needs at the heart of the process.

By introducing a 26-week time limit for all care and supervision cases, we will send a clear and unambiguous statement to all parts of the family justice system about the need to reduce delay. To allow judges the discretion to remove certain cases from the ambit of the 26-week time limit at the outset would undermine the policy intention. As the family justice review recognised, the 26-week time limit is necessary because previous changes to guidance and initiatives, including the public law outline, however well intentioned, have not succeeded in reducing delays or prevented them from increasing.

Let me assure hon. Members that I am acutely aware that not all cases will be completed within this time frame. The court will have the discretion to extend the time limit in a particular case beyond 26 weeks, if that is necessary to resolve the proceedings justly. For example, the court might consider that it lacks sufficient evidence or information about a parent's capacity to meet a child's needs and therefore is not in a position to make a just decision within the 26-week time frame.

Bill Esterson: Will the Minister define the phrase "resolve the proceedings justly"? Who decides what is meant by "justly"? That comes back to the point my hon. Friend the Member for Wigan made about the children's welfare being paramount. That is my concern about leaving the clause without the amendment to extend the provisions beyond 26 weeks.

Mr Timpson: The hon. Gentleman is right to investigate what "justly" means. Of course, what is just will depend on the circumstances of each case. It will be a matter for the judge, who is the ultimate tribunal that will decide what is in the best interests of the child. In doing so, and in making a decision on timetabling, judges must have particular regard to the welfare of the child, but the other parties to the proceedings will also need to be taken into account. The judge will have to be satisfied that the case has been heard expeditiously and fairly. Of course, there are routes of appeal, should any of the parties be dissatisfied and take the view that the case was not dealt with justly, and it would then be for the appeal court judge to decide whether it had been.

Bill Esterson: To get to the bottom of this, from what the Minister says, there is no guarantee that the child's welfare will always be the No. 1 priority; I think he said that other parties to the proceedings would need to have their views and needs taken into account. That causes me concern, given that we have all said all along that the paramountcy of the welfare of children is the absolute priority.

Mr Timpson: Of course the court has to have the paramountcy principle at the heart of its decision making. It must always have particular regard to the welfare of the child when it comes to timetabling. That is consistent with the approach already taken by the courts under section 1(1) of the Children Act 1989. Even where the paramountcy principle does not apply, the court retains a protective jurisdiction to prevent a child from suffering harm, but in exercising that jurisdiction, the child's welfare is not the only consideration, nor is it necessarily the most important. Be that as it may, the court still has to deal with the case in a just, fair and expeditious fashion, because if it does not do that, its decision would be open to challenge in the appeal court. I take seriously what the hon. Gentleman says, but I believe we have struck the right balance with regard to providing the judge with discretion to hear the case and make a judgment.

We have catered for the fact that there will be exceptions to the overall rule, and the Family Procedure Rule Committee will set those out in more detail in due course. It is because there are additional factors to which the court is to have specific regard when considering whether to grant an extension that we invited the committee to set out some examples. In an earlier debate on the Bill, either on Second Reading or in Committee, it was suggested that exceptions might include cases to which there are parallel criminal proceedings, cases involving a large number of children, and cases in which there are complex issues, such as those relating to a child's disability, which need further and deeper investigation. There will always be exceptions.

The likelihood that there would be a 26-week time limit in the Bill, together with the fantastic work being done by the central Family Justice Board and the regional boards, has already engendered a huge reduction in the time taken, as the Committee heard in the evidence sessions. I am sure that the hon. Gentleman will agree that, as long as the guarantee from when the system was set up remains, and as long as the judge's discretion is unfettered, decisions should be made as expeditiously as possible to ensure that children who are party to proceedings get a decision that gives consideration to their time scale, rather than the convenience of the court. All too often, that has not been the case.

Lisa Nandy: We do not disagree with that, but none of that addresses the central concern about why it is necessary for children's cases to come back to court for a series of eight-week extensions in circumstances where it is clear from the outset that one extension will not be sufficient.

Mr Timpson: If the hon. Lady listens for a few moments more, I will move on to that point, as it is one that she has raised before, and it arises under the clause. The clause carefully strikes the necessary balance between putting in place a maximum 26-week time limit to

tackle delay in all cases, and allowing sufficient judicial discretion to extend the time available, when that is necessary to resolve the case justly, having explicit regard to the child's welfare.

9.45 am

I commend the hon. Member for Manchester Central on the intention behind amendment 33 and on the way in which she spoke to it. It clearly aims to ensure that the child's welfare plays an important role in decisions made under the clause. I am pleased to be able to reassure her on that point.

We have ensured, through the careful crafting of the clause, that establishing a time limit will not be detrimental to the welfare of the child. Indeed, Lord Justice Munby said in evidence to the Committee:

"The delays in many parts of the country are coming down very rapidly and there are already parts of the country that are achieving 26 weeks and less. It is therefore entirely attainable—it is not a target, but a maximum—and I am quite convinced that it can be done without prejudice to the welfare of children, or to a fair and just system."—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 30, Q69.]

I hope that also gives reassurance to the hon. Member for Sefton Central; the president of the family division is clear and absolute in his view of our changes.

Since the pre-legislative scrutiny, we have made a minor change to the clause, so that there is absolutely no doubt about the need for the court to have specific regard to the impact of any timetabling decision on the welfare of the child. That will be true regardless of whether the court is setting or revising the timetable or extending the time limit. It means that when the case begins, the court must draw up a timetable for the proceedings and, in doing so, have particular regard to the impact of the timetable on the welfare of the child.

If it becomes apparent that the case cannot be resolved within the original 26-week limit, the court will need to consider extending it. To do so, it must first decide whether an extension is

"necessary to enable the court to resolve the proceedings justly."

The clause requires the court, in deciding whether to grant an extension, to have particular regard to the impact on the welfare of the child. In reaching its decision, the court will therefore have regard to a range of factors, including the welfare of the child, the rights of the parties to the proceedings, and the need to deal with the case expeditiously and fairly. As the clause is already explicit that the welfare of the child must be taken into account at every stage of case timetabling, including when extending the time limit, amendment 33 is not necessary.

The hon. Member for Wigan asked why the extension was for eight weeks. There will always be some complex cases that cannot be completed in 26 weeks. Where that is the case, the court will be able to extend the time, having specific regard to the child's welfare. Specifying a maximum eight-week limit on the length of extension will focus the court on resolving the case as quickly as possible. We do not want to create additional hearings within the 26 weeks that are over and above what is necessary, as that would mean extra costs and potential further delay. It will be for the court to decide at what point it should grant the extension; that may be at different points in different cases.

As I said in evidence to the Select Committee on Justice, the most obvious hearing will be the case management conference, because that is the point when there is sufficient evidence for the court to consider whether it is likely that the case can be dealt with justly without an extension. That will depend on the merits of each case, so we must ensure that the court has flexibility in making such decisions.

Lisa Nandy: Just to be clear, is the Minister saying that he does not envisage a situation where a new hearing would have to be held to grant an eight-week extension?

Mr Timpson: How a case is timetabled is a matter for the court, as are decisions on whether it has an extra directions hearing or keeps the number of hearings to a minimum in order to concentrate the minds of those who have to file reports and give evidence, to ensure that the case is resolved as quickly and fairly as possible.

There are many instances where an extension will not need a separate hearing. That decision may be made in existing hearings at which all parties are present—obvious points in the court process for the judge to decide whether to extend the timetable. Of course, that already happens in cases. Timetables are already set by the court, and, for whatever reason, it might have to extend them in a further hearing. Current practice will not be changed. What we are trying to do is concentrate efforts on resolving cases within the 26-week time limit. As we heard from Lord Justice Munby and others, strong evidence is starting to materialise—there is strong buy-in from the judiciary on this point—that the majority of cases can and will be completed within 26 weeks.

Amendment 29 is about flexibility. I have already talked about the requirement that extensions last a maximum of eight weeks, which will ensure that the court focuses on resolving cases as quickly as possible. Let me reassure hon. Members that decisions to extend the time limit will not usually require an additional hearing; they will be dealt with, as far as possible, during the hearings already scheduled for the case. I hope that helps the hon. Member for Wigan.

Our proposed legislation on the time limit will apply to both conventional proceedings and proceedings of the family drug and alcohol court, which the hon. Member for Manchester Central mentioned. I had the opportunity to visit the family drug and alcohol court with Judge Crichton, and I saw for myself the excellent work that it does. It is something we can learn from. The Government helped to fund that work, and our funding of £150,000 in each year of 2013-14 and 2014-15 will help to continue its development and roll-out. We propose to use that money to enable it to develop and to continue work so that the 26-week time limit is met.

The average length of a care case in the family drug and alcohol court is the same as the average in other courts. After spending time there and speaking to the court clerk and others, including Judge Crichton, I saw that there are cases that fall well within the 26-week time limit, but that court will have the flexibility that is available to other courts.

We wish to support the development of one or more areas outside London to pilot a family drug and alcohol court model, which may include families with a wider range of difficulties than drugs and alcohol, and to

[Mr Timpson]

explore the use of the expert multidisciplinary team assessments at the pre-proceedings stage, which is an important element of the work that the family drug and alcohol court does. The hon. Member for Wigan spoke about the pre-proceedings work that is required if the 26-week time limit is to be met. On a number of occasions I have set out in some detail the Government's ongoing programme of work to help to push that programme. We provided £130 million to support social working training, created the "step up to social work" scheme, and set up the College of Social Work, which, from the quotations the hon. Member for Wigan provided, is clearly not a Government quango. The Secretary of State is today visiting Hackney to see the "reclaiming social work" scheme, which the hon. Member for Wigan and I had the pleasure of seeing a few years ago, to see how it can be rolled out and built on more widely. The chief social worker role will be introduced soon to support the social work profession and challenge it to raise its game further.

I had hoped to speak at the principal child and family social worker conference today, but due to the Bill Committee I was unable to. However, I have sent a video message to support it in the work it is doing to become a leader in every local authority, so that social workers in local authorities feel supported and there is strong peer challenge. We are looking to raise the quality of the work force further. We are looking at the business case for Frontline, which will use a similar model to Teach First in the teaching profession. A huge amount of work is going on, but we are not complacent, and we continue to see what more we can do to support and improve the social work profession.

The purpose of clause 14(4) is to remove the need to renew interim care orders and interim supervision orders, which currently must be renewed initially after eight weeks, and thereafter every four weeks in care and supervision cases. Evidence gathered during the family justice review suggests that the renewal of interim orders is rarely challenged and is often a formality, so frequent renewals bring little benefit to the parties and cause unnecessary delay. As we have said, research shows that lengthy case duration can have harmful effects on a child's development, and may deny a child a chance of a permanent home.

A care and supervision order application takes an average of 47 weeks, so if an interim order were made at the outset of proceedings, it would need to be renewed up to 10 times to last for the duration of an average case. Removing the limits on the duration of interim orders will dramatically reduce the need to renew them, and that will enable resources to be spent better—on progressing the case and supporting the child. We propose that, as the family justice review recommended, the court has discretion to set interim care orders and interim supervision orders for a period of time that is considered appropriate to the case. We expect that when an interim order is made, it will usually be appropriate to align the duration of the order with the timetable for proceedings, to try to cut down on the number of hearings. That will avoid the court having to make multiple interim orders during a case.

The change will help to reduce administrative burdens on court staff and help to increase efficiency in the system. The provisions were widely supported by the majority of people who took part in the pre-legislative scrutiny and the subsequent public hearing, and who submitted evidence to the Justice Committee. That led it to conclude that the provisions were

"a useful legislative change, which allows flexibility for judges in effectively and proportionately managing cases."

It is worth emphasising that the new approach to interim care and supervision orders does not prevent other parties from challenging them, should they wish to, at any stage during proceedings. I urge the hon. Member for Wigan to withdraw the amendment.

Lisa Nandy: I am grateful to the Minister for what he has said, and he has allayed some of my concerns, particularly on the impact on the child of additional hearings being sought so that an extension can be gained. I refer the Committee back to the concern of the all-party parliamentary group on child protection that we simply do not know what impact the change will have on the paramountcy of the welfare of the child. Notwithstanding what the Minister said, I have outstanding concerns. Given that resources are scarce and there are record numbers of children in care, having such a rigid time scale could prove harmful to some children, although I accept that it will be beneficial to others.

I am still particularly concerned about proposed new section 32(6) of the Children Act 1989, which seems to put the welfare of the child and court proceedings somehow in the balance, but on the basis of what I have heard today, and in the hope that we can continue to have further discussion and can monitor the impact of the measure when it becomes law, I am happy to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause 14 ordered to stand part of the Bill.

Clause 15

Care plans

Lisa Nandy: I beg to move amendment 30, in clause 15, page 14, line 6, at end insert—

'(A1) Section 22 of the Children Act 1989 (general duty of local authority in relation to children looked after by them) is amended as follows—

In subsection (4), after "proposing to look after,", insert "including when making any fundamental change to the care plan before or after a care order has been made.".'.

The amendment seeks to ensure that the child's and birth family's wishes are taken into account when a fundamental change is made to the care plan. It seeks to address concerns about the thoroughness of consultation with the child and their wider birth family, given the pressures on independent reviewing officers and social work and the reduced court scrutiny enabled by clause 15. That is especially relevant given that the reforms, taken together, are based on a desire to increase the speed of the process.

The amendment reflects the views and wishes of children, who feel strongly about the need to take into account their views. From discussions that I have had with children, I know that it is particularly important to

ensure that as families go through the care process, they understand what is happening to them and have the opportunity to get their voices heard.

10 am

Mr Timpson: I agree with the hon. Lady that the local authority should, where practicable, consider the wishes and feelings of the child, his or her parents and any person who has parental responsibility before making fundamental changes to the plans for the child's care.

We have debated and agreed that the current delays in care proceedings are unacceptable and not in children's interests. The family justice review found that, driven partly by concerns about the quality of local authority social work, which we are seeking to address, courts can spend large amounts of time scrutinising the detail of local authority care plans for children before making care orders. The review said:

"Court scrutiny goes beyond what is needed to determine whether a care order is in the best interests of a child".

As we know, that can lead to the unnecessary delays that can be so damaging to children.

The purpose of clause 15 is to focus the court, in its consideration of the local authority care plan, on those provisions that set out the long-term plan for the upbringing of the child—for example, whether the child is to live with a parent or other family member, or to move into another form of permanent placement, be that long-term fostering, residential care or adoption. The details of care plans are not set in stone and often change over time in response to a child's changing needs and circumstances; a recent study found that in 62% of cases the care plans scrutinised by the court were not subsequently carried out. Given the likelihood of change, the local authority, rather than the court, is better placed to take forward this work.

I emphasise that nothing in the clause prevents the court from looking at any part of the care plan that it considers necessary to decide whether to make a care order. Certainly, in the many care cases in which I was a representative, there was, depending on the circumstances of each case and their particular relevance to the child, different emphasis and scrutiny of different parts of care plans, such as their education and health needs, contact with their siblings or other matters.

Legislation and guidance already requires local authorities to consult children themselves—that is very important—their parents or other relevant people before making any decision regarding a child, and that includes any fundamental change to the child's care plan. An amendment to section 22(4) of the Children Act 1989 is therefore not required. It is of course extremely important for children to be heard in relation to decisions affecting them, which is why the Government have for the past two years funded the Voice advocacy organisation to provide a national telephone helpline for all children receiving a service from a local authority. We are committed to providing that service for children and will shortly be announcing the result of a competitive tender exercise for contracts for the next two years.

Before making a significant change to a child's care plan, a local authority must first consider the proposed change at a review of the child's case, which will also be attended by the independent reviewing officer. Where appropriate, the IRO will speak to the child in private about the matters to be considered and will seek to ensure that the views of the child's parents have been taken into account. We recognise that IROs will have an important role in challenging local authority practice and ensuring that local authorities are carrying out their duties under section 22(4). That is why we have asked Ofsted, in conjunction with the National Children's Bureau, to undertake a thematic review of the IRO role. We are also working with the IRO managers' group to develop and spread best practice across the country, both to drive up their performance and to strengthen their hand across local government.

I am happy to reiterate for the record that the safeguards the hon. Member for Wigan seeks are already provided in current legislation. I therefore urge her to withdraw her amendment.

Lisa Nandy: I am grateful to the Minister for his response. I would like to underline the importance of advocacy in ensuring that children's voices are heard, but on the basis of the assurances he has given, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Lisa Nandy: I beg to move amendment 31, in clause 15, page 14, line 10, after 'provisions', insert 'and sibling placement arrangements'.

The Chair: With this it will be convenient to discuss amendment 32, in clause 15, page 14, line 13, at end insert

'unless it deems such consideration necessary in assessing the permanence provisions of the section 31A plan for the child concerned and making the care order, taking into account the circumstances of the application and the safeguarding and promotion of the child's welfare.'.

Lisa Nandy: We support the Government's intention to reduce unnecessary scrutiny of care plans, but we are worried that the real world effect of the clause will be, in the words of the NSPCC, to

"inadvertently remove an important safeguard for"—

children and young people—

"without introducing an effective alternative".

The all-party group on child protection also made that point. I thank my hon. Friend the Member for Sheffield, Heeley (Meg Munn) and the hon. Members for Erewash and for South Northamptonshire for the report that the group produced. I have been practising the pronunciation of Erewash all morning.

As the all-party group pointed out, there is a huge question mark over whether there is currently adequate external scrutiny. Independent reviewing officers, who provide that scrutiny and challenge, are under huge pressure, as the Minister will know. I am grateful to him for telling us about the Ofsted thematic review and some of the work that is going on with NAIRO, the independent reviewing officers' membership organisation. However, there is a particular concern about the case loads of some independent review officers.

The Minister will be aware of the recent court judgment in Lancashire. For the benefit of Committee members who have not read it—it makes shocking reading—it concerns two teenage brothers who have been repeatedly let down and subjected to poor placements and frequent

[Lisa Nandy]

moves throughout their childhoods. In that case, the independent reviewing officer took the unusual step of writing directly to the court, not only to apologise unreservedly, which is to his credit, but to explain the background, and the judge published that letter as part of the court papers. The letter set out that the independent reviewing officer was at times dealing with as many as 200 cases. The picture he painted highlights many of the concerns expressed to Ministers by NAIRO about poor supervision and the lack of training, administrative support and access to independent legal advice. NAIRO has also highlighted concerns about independence in some local authorities, the lack of a culture of challenge, and dangerously high case loads—in the Lancashire case, the IRO's case load was three times what is considered reasonable.

The job of independent reviewing officers is incredibly difficult. They have to be sufficiently close to the local authority to work alongside it, but sufficiently detached from it to be able to challenge it. It is essential to the clause working successfully that they are better resourced and supported to do their job. Notwithstanding that he has asked Ofsted to conduct a thematic review, will the Minister tell us what he is doing to ensure that independent reviewing officers have the time they need to spend with children and the independence they need to challenge local authorities, given that we know from NAIRO's reports that that does not always happen?

Court scrutiny also helps to secure wider support for the child. Last year, research by Davies and Ward reported that social workers would not have had access to the resources they needed without a court's involvement. It is not clear how disputes about care plans will be resolved if they are not considered by a court. Independent reviewing officers can refer problems that they cannot resolve within the local authority to the Children and Family Court Advisory and Support Service, but as the Minister will know, that happens very rarely in practice.

Guardians are under significant pressure. Recently, I had the pleasure of shadowing guardians working on the front line with children, and I was astonished by the work load carried by some of those very experienced and dedicated people—and that at a time when it is envisaged that children's guardians may have a lighter touch. I agree with the Children's Commissioner for England, who says that guardians are an important safeguard for children, being

"a highly valued feature of the court system."

It is important to see the clause in that context.

The Minister has introduced a change, which we have sympathy with, at a time when independent reviewing officers, guardians and social workers are all under significant pressure and when resources in local authorities are scarce. If he is not careful, he will create a perfect storm for children in which their needs and views will become lost. I know that that is not his intention, but wider scrutiny of care plans is important, because some of the factors that may be small to us are enormously significant to children. The Minister has made the point that the clause does not prevent a court from looking at the wider care plan, but in the light of all the factors that I have set out, we seek greater clarity in the Bill about when the court should scrutinise other elements of the care plan. The clause should make it clear that the court should do so where that is in the best interests of the child. On that basis, I hope that he will accept our amendment.

Amendment 31 is designed to ensure that courts look specifically at the situation of siblings, which is vital to children's long-term interests, and do not interpret the change in legislation to mean that they cannot look at wider aspects of children's care plans. The Children's Commissioner says that the plans

"fall short of promoting the best interests of children",

because the definition of permanence is too narrow and because the plans are in danger of losing the

"framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity."

The commissioner has pointed out that the written reasons of the family proceedings court, which are held on file, could provide an important record for the young person at a later date. That is important because, as young people from the NSPCC recently told me and as the Minister has just acknowledged, people can change their minds as they get older. It is incredibly important that they understand the original decisions about them and their life, and why they were made. In addition, care plans are interlinked, and decisions about one aspect of a child's life have a bearing on other decisions, particularly where siblings are concerned. Time after time, children have told us how important that is to them, and the NSPCC reports a number of cases in which plans have been changed to allow siblings contact with each other after the court has scrutinised that aspect of the care plan. That is so important to children that it ought to be in the Bill, and I hope that the Minister agrees.

Mr Timpson: Let me start with amendment 31. I agree with the hon. Lady that, where necessary, the court should be able to consider the detail of any arrangements the local authority has made for a child to live with his or her siblings. The purpose of the clause—again based on the recommendations of the family justice review—is to focus the court, in its consideration of the local authority care plan, on the provisions that set out the long-term plan for the upbringing of the child. There is nothing in the clause that prevents the court from looking at any particular part of the care plan it considers necessary to decide whether to make a care order. In making such an order, the court must of course have the child's welfare as its paramount consideration.

Where a child and his or her siblings are being accommodated by the local authority, the authority should ensure that the placement of the child enables the child and his or her siblings to live together where that is reasonably practicable and consistent with the child's welfare. That is consistent with the longer and more detailed debate about sibling contact we had when we began our scrutiny of the Bill. Clearly, in certain cases it may be necessary for the court to consider the local authority arrangements for the child to live with his or her siblings. I referred earlier to the range of cases that I was involved in, in which there were all sorts of complex sibling relationships, and the court, out of necessity, to ensure that the welfare of the children was paramount, had carefully to consider the sibling contact arrangements in the care plan. That flexibility remains, and there is nothing to prevent the court from carrying

out more detailed analysis and scrutiny of any aspects of the care plan if it feels that that is in the best interests of the child. Given that flexibility, there is no reason to add any explicit reference to sibling placements.

Amendment 32 would require the court to look at the remainder of the care plan where that is necessary in assessing the permanence provisions and in making the care order, but the clause already allows the court to consider the full section 31A plan should it need to. When deciding whether to make a care order, the child's welfare will be the court's paramount consideration, and in making such a decision, should the court specifically need to consider an aspect of the care plan other than the permanence provisions, it will be able to.

The hon. Lady referred to the role of the independent reviewing officers, and she is right to continue to shine a light on the important role they play, not just in the passage of a case through court but in the aftermath, in being able to challenge and scrutinise the care plan. I have already mentioned some of our work with independent reviewing officers to try to spread best practice further, and to improve quality and the support they receive. Over and above what I have already said, I can tell the hon. Lady that next month, I think—certainly in the spring—I will hold a round table with IROs to discuss in more detail their experience and how we can provide better support and improve practice, bearing in mind the importance of ensuring that they perform to their highest possible standard.

The hon. Lady also mentioned CAFCASS, whose performance has dramatically improved over the past few years, including its ability to turn around reports, its availability to the court and its consistency of involvement in a case. That is welcome, but we are under no misapprehension that the problem has been solved, so we will continue to work very closely with CAFCASS to ensure that the important progress that it has made is not lost and that it can continue to make important inroads into the work that it is doing.

10.15 am

When asked during an evidence session held by the Justice Committee whether the clause would prevent judges from looking beyond the permanence provisions, Justice Pauffley said:

"I would be frankly amazed if any judge failed to respond to properly raised anxieties…on the part of anyone involved in the care process."

That is a fair analysis and reinforces the principle that the clause upholds—the unfettered discretion of the judge to decide whether a care order is necessary and, in doing so, to ensure that the welfare of the child remains the paramount consideration.

On that basis and having listened carefully to what the hon. Member for Wigan said, I thank her for the approach that she has taken, for her considered views and for voicing the concerns that she has legitimately raised. I am sure that we will continue to talk more widely about the care system in the weeks and months ahead. However, I urge the hon. Lady to withdraw the amendment.

Lisa Nandy: I am grateful to the Minister for that response and especially for his emphasis on taking a direct interest in the work of independent reviewing officers and CAFCASS guardians. I hope very much that his interest in IROs will be replicated across local authorities in terms of their leadership and the support they provide to their own independent reviewing officers.

I remain concerned about sibling placements, because they are so central to a child's sense of permanence and so important to children that we still believe that explicit provision should be made in the Bill. I would like to test the Committee's views on the issue by pressing amendment 31 to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 8, Noes 12.

Division No. 1]

AYES

Esterson, Bill	Nandy, Lisa
Glass, Pat	Powell, Lucy
Hodgson, Mrs Sharon	Reed, Steve
Jones, Graham	Sawford, Andy

NOES

Barwell, Gavin	Milton, Anne
Brooke, Annette	Nokes, Caroline
Buckland, Mr Robert	Skidmore, Chris
Elphicke, Charlie	Swinson, Jo
Leadsom, Andrea	Timpson, Mr Edward
Lee, Jessica	Whittaker, Craig

Question accordingly negatived.

Clause 15 ordered to stand part of the Bill.

Clauses 16 to 18 ordered to stand part of the Bill.

Clause 19

LOCAL AUTHORITY FUNCTIONS: SUPPORTING AND INVOLVING CHILDREN AND YOUNG PEOPLE

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I beg to move amendment 68, in clause 19, page 17, line 17, leave out 'a local authority' and insert

'local authorities and NHS bodies'.

The Chair: With this it will be convenient to discuss amendment 70, in clause 19, page 17, line 30, at end add—

'(2) The Secretary of State shall make regulations defining the objectives that—

(a) a local authority in England, or

(b) a local partner of that local authority, pursuant to section 28, subsection (2), paragraphs (j) to (m),

shall pursue in exercising a function under this Part.

(3) Objectives under subsection (2) must include, but are not limited to—

(a) increasing, maintaining and promoting positive family relationships;

(b) increasing, maintaining and promoting the participation of children and young people and their families in local community activities;

(c) where possible, increasing the proximity of services for children and young people and their families to where they are needed, and

(d) where possible, increasing the accessibility of services with regard to the financial circumstances and working arrangements of the children and young people and their families they cater to.'.

Mrs Hodgson: It is a pleasure to serve under your chairmanship this morning, Mr Havard, and to actually get to speak in this Committee. I am sure that you will be sick of my voice by the end of my contributions, but I will indulge while your patience lasts.

Amendments 68 and 70 stand in my name and that of my hon. Friend the Member for Wigan, who is going to have a well deserved rest for a few days. I hope that you will allow me to indulge in a small amount of scene-setting, Mr Havard, as this is our first debate on this part of the Bill, which covers the biggest changes to the special educational needs system in more than 30 years. I assure you that I am keen to make good progress, though, and my remarks on later amendments will be much shorter.

I thank the Minister for his excellent stewardship of the Bill since his appointment to the Government. I served with him on the Children, Schools and Families Committee in the previous Parliament, so I was already well aware of his skills, knowledge and commitment to the policy area. I regarded his appointment as eminently sensible, which is not always the case, whoever is in government. He has shown my initial reaction to be well founded: he has been collegiate, co-operative and less adversarial than his predecessor, which is to be welcomed, not only because a less adversarial approach was a key ambition of the Green Paper that preceded the Bill, but because we are discussing important areas of policy that affect the lives of millions of the most vulnerable children in our society. Let us hope that that less adversarial spirit continues while we discuss the 54 clauses that make up part 3 of the Bill.

On Second Reading, my hon. Friend the Member for Wigan rightly laid down Labour's key test for the Bill's reforms: simply, whether it will result in better outcomes for the children it is designed to help. Nowhere is that more critical than for children with special educational needs. All too often, parents of the 1.7 million children with SEN face a battle to get even the most basic support from a system which, although it can work well in some cases and some areas, all too often manages to bog itself down in rigid processes, endless bureaucracy, negative attitudes and, most frustratingly, a view of parents as an annoyance, rather than a key stakeholder in the provision that their child deserves.

I am sure that all Committee members are united in their desire for the Bill to solve those problems and, as I have done on numerous occasions over the last two years, I assure the Minister that we will not play games in our scrutiny of the legislation. All our amendments are designed to make the Bill better, and, as my right hon. Friend the Member for Sheffield, Brightside and Hillsborough (Mr Blunkett) said on Second Reading, I hope that the Minister and his civil servants will have the strength and courage to accept some of the changes.

Turning to amendment 68, all hon. Members will be pleased that the Minister has committed to strengthen the Bill's requirements on health agencies, and I look forward to supporting the amendments that the Government have tabled in that respect. There was an omission, however, as the Government have not tied in health agencies to abide by the overarching principles of how they should discharge their duties under this part of the Bill, which are set out in this clause. Amendment 68 would tie in the health agencies and if the Minister is not minded to accept it, I would be interested to know why.

I touched a few moments ago on the importance of families in all this, but in fact they are not just important; they are crucial. I know that first hand, as a mother who is still having to fight her son's corner to get him the support he needs, even though he is now in higher education, where support is usually much better—but that is a story for another day. Families are not only crucial as advocates; they are also crucial in that, in most cases, they are expected to be the primary source of support for their child. They are the ones who drive them to appointments, in some cases in other counties; they are the ones who sit with them at home trying to do homework that is too hard for them; and, they are the ones who talk them down from fits of panic, or come to pick them up from school when staff have decided that they cannot handle them any more. In many cases, they are the ones who give up their jobs to do all of that, particularly because of the chronic lack of child care for children with special educational needs and disabilities, especially those of school age. They are the ones who have to deal with the consequent financial problems many get into, the physical and mental health issues caused by stress, and, in tragic cases, the family breakdown that results when all such factors are combined.

Research by Scope, a disability charity, found that almost two thirds of families with disabled children or children with special educational needs cannot access the support they need in their local area, which has a serious impact on their lives; 80% said that the shortage of local services caused them anxiety and stress; half said that they struggled to hold down full-time jobs as a result of the lack of local services; half said that they miss out on family activities such as days out or birthdays as a result; 43% said that it put pressure on their relationship with their partner; and 36% said that it put financial pressure on their family.

The case of Sarah, whom I met last year in Eccles, demonstrates the accuracy of that picture. Sarah is the mother of two boys, one of whom, Philip, has Down's syndrome. Taking Philip to all the various appointments he needs, whether it is physiotherapy or speech therapy, has proved to be a full-time job in itself, and uch demands on her time meant that she was forced to give up working. Her husband, in order to make up for the lack of her wage, has been forced to take higher-paying work further and further from home, even as far as Glasgow. Now the family is together for only the occasional weekend. Quite simply, their quality of life and well-being are casualties of a system that too often fails to prioritise the needs of families.

Knowing that Sarah's case is not an anomaly, supporting families must therefore be central to the Bill and to how local authorities and health agencies conduct themselves and structure their services. Amendment 70 seeks to make that clear, ensuring that those bodies have regard to the objectives set out in proposed new subsection (3). Such a commitment from the Minister would undoubtedly lead to improvements in the quality of life of children with SEN and their families.

We have to keep at the forefront of our mind the purpose of support for children with SEN and disabilities, which is, quite simply, to allow them to be a part of their community and society, having the same opportunities

as their non-disabled peers. Unfortunately, the lives of children with special educational needs and disabilities and their families are all too often blighted by isolation from society. Social, emotional and financial isolation causes almost three quarters—72%—of families with disabled children to experience poor mental health.

When we get it right—when children are able to receive the support they need to help them feel part of their community—it can play a huge part in alleviating those feelings of isolation. The story of one mum of a deaf child illustrates that particularly well. She says:

"Since starting the nursery at our local village school, our son enjoys going to school each day, and he has made several friends, which has been important for his acceptance and inclusion in the village community.

The opportunity to develop friendships in the village school has had a significant effect on his social skills and ability to interact with his peers. Because they spend several hours a day with our son, the other children in the village now know how to communicate and interact with him; many of the children take pride in being able to sign to him."

I recognise that, by and large, local authorities and health agencies try to ensure that support is available as close to home as possible, although the time that such services operate generally clashes with the regular working hours of parents, but including those outcomes in the Bill would send a strong message that improving the quality of life for families is and should be a priority, and that positive experiences such as the one I just mentioned should not be the exception, as they currently are, but the norm.

The Prime Minister, before he was elected, promised that his would be the "most family-friendly" Government ever. Notwithstanding everything that has happened since—cuts to child care tax credits and Sure Start, hits on maternity pay, increased VAT, and everything else hitting families—we have an opportunity here in the Bill to make the lives of a significant number of families better. I hope that if the Minister is not minded to accept the amendments, he will give us assurances that the principles behind them will be articulated strongly by the Government in other documents that he will produce in relation to the Bill once it has completed its passage.

10.30 am

Mr Timpson: Before I reply to the pertinent points raised by the hon. Member for Washington and Sunderland West, I would like to express my gratitude to her for the predominantly helpful and informed amendments that she has tabled to this part of the Bill, for her words of welcome to me in the role that I hold, and for her wish to uphold the collegiate and co-operative approach that has been a feature of the time in which we have been in our respective positions. This follows on from a very constructive and well intentioned Second Reading debate. It is right to acknowledge at this early juncture that the hon. Lady has been and continues to be an assiduous campaigner for children with special educational needs. I therefore look forward to having a positive and engaging debate on some important issues in the coming few sittings.

The hon. Lady has quite rightly set out at the beginning of our consideration of this part of the Bill an excellent analysis of why the system needs to change. She has strong experience through having contact with the special educational needs system both in her local area and elsewhere, and she highlighted many of the issues that parents have shared with me and that I have seen for myself in my own engagement with pathfinders, schools and families, whether it be the frustration with the way in which the system operates or the isolation that many of them feel. We are seeking to deal with those issues through the Bill—the hon. Lady clearly articulated her appreciation of that—so that we move away from a system that children have to fit into to a system that is very much about the family and the child at the centre, and is much more focused, as she said in relation to the test that was laid down by her party on Second Reading, on outcomes rather than on the process. I welcome her making clear her intention of pushing this legislation forward and the measured and insightful way in which she has set out where the problems lie and therefore the problems that we need to address.

It would be right if I said a little at this point about the intention behind our reforms and, in particular, how the principles set out in clause 19—

The Chair: Order. Let me say that it probably will not be necessary to have a clause stand part debate later if we set out the general principles at this point. Carry on, Mr Timpson.

Mr Timpson: Thank you for that observation, Mr Havard. Clause 19 reflects the transformation in culture and attitudes that we want to achieve in the interests of all children and young people with special educational needs. That was reinforced by a meeting that I had yesterday with about a dozen of the most prominent and vociferous special educational needs bloggers, who were clear that culture change is a prerequisite to making the new system work.

The Government are determined to ensure that all children, whatever their background or start in life, have the opportunity to realise their full potential. As Christine Lenehan, from the Council for Disabled Children, said to the Committee,

"The issue is about seeing the Bill as part of a much wider cultural change programme."—[*Official Report, Children and Families Public Bill Committee,* 5 March 2013; c. 42, Q91.]

We have a fundamental responsibility to look out for the most vulnerable children in our society, not only to protect their welfare but to safeguard their interests and their future. That is the rationale behind all our education reforms: to create a system that raises aspirations for poorer or more vulnerable children, a system in which every child experiences an outstanding education and no child is written off.

Children and young people with special educational needs deserve exactly the same rights and opportunities as anyone else, as the hon. Lady said. That is why the Government are introducing the overdue reform of the system. If we are to achieve the changes that we seek in the system—the systemic and cultural changes—children, young people and their families must be placed at the heart of it, from planning through to outcomes. That is why family choice runs through the reforms, from informing the development of the local offer to helping to design, through the pathfinders, a family-centred assessment process; from the new focus on outcomes in the plans to the use of personal budgets and the extension into

[Mr Timpson]

young adulthood. All of that is designed to meet a child and young person's aspirations, not the needs of great bureaucracies.

The parent of a child involved in one of the pathfinders told us:

"I think in terms of her EHCP and the process so far we have been very much involved and that has been very important for us as parents. There was a point when we had a meeting in school to go over our daughter's Summary Document and I looked round the room at all these people, all wanting the best for my child. It made me feel very hopeful for her and it was a wonderful opportunity to say thank you to them; it was just so nice to feel so supported."

That is what we want for all families. It is the bold ambition behind the reforms.

Andy Sawford (Corby) (Lab/Co-op): I had a similar meeting recently with the parents of an autistic child. They described their concerns about the fast-changing landscape in which their child is being educated, particularly in the partnerships and the people who might be in the room when they have a family conference; they feel that the personnel have changed dramatically in recent months and that there is instability in that. As my hon. Friend said, it is important that, as we think about the progress of the Bill, we do so in the context of what is a really tough landscape of shifting partnerships and challenging funding decisions in local authorities and so on. Will the Minister comment on that?

Mr Timpson: The hon. Gentleman is right to cite the example of a family he has met, I assume, in his own constituency.

Andy Sawford: Yes.

Mr Timpson: For them, it is not about the system, but the relationships that they have with professionals. The quote from one of the families that has taken part in a pathfinder illustrates how it can work. A theme runs through the wish list that parents have come up with as we have discussed the reforms in the Green Paper and beyond. They want a consistent point of contact and support through their entrance into the special education system and at the difficult transition points, so that although different professionals might be needed at different points in the child's journey through the education system, there is some consistency in where parents can go to access support and information and their involvement is clear at every point of the process. That has been a problem in the past.

Other changes going on in the health and education system and elsewhere make it even more important that the work of the pathfinders generates a better sense of joint responsibility, which the Bill reinforces through the joint commissioning arrangements and the duty to co-operate, so that we change the relationships and the culture on the ground. Professionals will understand that not only are they going to provide a better service, but they are going to be more efficient and more effective if they work with a family from the very start. Families such as the one that the hon. Gentleman has described will not feel that they are going through a constant churn of professionals with whom they do not have an ongoing relationship. He is right to emphasise those points, which are precisely the points that we are trying to address.

Andy Sawford: The family gave the example of an educational psychologist with whom they had built a good relationship and who they felt understood their child, but he had been made redundant by the local authority, because of the dramatic changes in their children's services department. The Minister's remarks are reassuring in so far as the pathfinders are looking at some of those issues, and he clearly understands the importance of stability in the relationships, but there is a reality outside this room that we have to understand. On the ground, people feel that those relationships are being hugely disrupted at the moment.

Mr Timpson: The hon. Gentleman emphasises the point that he illustrated a few moments ago. Local authorities have statutory and other duties. They need to provide the services required, particularly by children with special educational needs, the people we are discussing in this part of the Bill. They will have to make difficult decisions about priorities. As we go through the Bill, I hope the hon. Gentleman will see that we are not only maintaining protections for parents, but enhancing them in many areas, so there will be greater accountability and scrutiny of the services that local authorities provide. If a service is not provided, there will be greater transparency and accountability to make sure that local authorities provide it better in the future. It is important to emphasise that many people have been calling for more detail around the primary legislation through the indicative draft regulations and the draft code of practice.

For many parents, educational psychologists perform more than one role; sometimes they are a co-ordinator or the point of contact that I mentioned—the key worker. They are important for many families. That is why the draft regulations, which I am sure the hon. Gentleman will spend time poring over later this evening, retain the role of educational psychologists. We will also provide funding for the initial training so that they have the opportunity to make a positive and important impact. I am happy to discuss the issue with him further.

Pat Glass (North West Durham) (Lab): On a point of clarification, did the Minister say that educational psychologists will be retained in the code of practice?

Mr Timpson: It is in the draft regulations. The code of practice does not go into all the detail that the draft regulations do, but they complement each other. The draft code of practice is available for the hon. Lady to familiarise herself with, and I encourage her to do that. I am sure it will reassure her not just about that issue but about other issues that we will debate later, such as plans and assessments, the local offer, and personal budgets.

I want to build on the point that the hon. Member for Corby made when we were discussing how to improve support for parents navigating the system. The duty on local authorities and health groups to co-ordinate advice will facilitate the provision of services such as one-stop shop advice lines, where families can get support and advice about how best to access services. That is something they have called for, and it will be a significant advance. In addition, pathfinders have successfully developed targeted, independent navigators to help families with more complex needs through the new system. Families

therefore have an individual with whom they can build a relationship, who has knowledge and understanding about how the system works. That individual can provide families with ongoing support, and families can feel confident that they are getting the services they require for their child or children.

Andy Sawford: This will be my last intervention. I thank the Minister for allowing me to make some points on the role of educational psychologists. I had a conversation with a special needs co-coordinator in a school who described the experience of an educational psychologist who was previously employed by a local authority and who came to see her to sell his services. He described the difficulties that he experienced, having spent a lifetime as an educational psychologist, when he suddenly became a small business person without the network of people with whom he previously worked, without back office support, and without clarity about his relationship with schools or the local education authority. We are seeing educational psychologists dropping out of providing the services they provided before and the relations they had. Does the Minister recognise that however many duties he creates and however clear the guidance is from Westminster, out there in Northamptonshire and elsewhere around the country, educational psychologists just might not be there to provide those services?

Mr Timpson: The hon. Gentleman makes a couple of important points. I emphasised at the beginning of my contribution that the Bill will provide a framework for bringing about the culture change that we need on the ground, but that change will not happen just through the Bill, although it can be the driver for changing behaviour; he is right to make that point again. On his point about educational psychologists, yes, we can provide stronger steers and assurances in the regulations, but local authorities will still have to make decisions. Local authorities are best placed to do that, and to understand the need for provision in their area.

10.45 am

One development in the legislation that is, I believe, supported by the Opposition is the introduction of personal budgets. If a child has an education, health and care plan, and there is an assessed need for that child, which may include the need for some form of educational psychological input, the family or parents, through their personal budgets, have more control over how they buy in that provision. They might, for example, have a particular educational psychologist whom they have used before and would like to use again. There are other ways that we are shifting some of the power base in the special educational needs system from the agencies to the families, so that the system becomes more family-centred. That is the right approach.

Mrs Hodgson: *rose—*

Mr Timpson: I will give way in a minute. I have one final point about educational psychologists. I am very happy to discuss the subject with the hon. Member for Corby, because he clearly has a specific interest that I would be more than happy to learn about. To support the important role that educational psychologists play in many children's lives, we are funding training for educational psychologists to the tune of £15 million over the next three years. That is a good, practical way of providing the support that is necessary to give them an important role in the provision that is available in local authority areas.

Mrs Hodgson: The Minister expertly pre-empted my question, which is about funding for educational psychologists. He has mentioned £15 million over three years; can he tell us how that compares with previous years, to put that in context?

Mr Timpson: I am sorry to say that I have already let the hon. Lady down, because I do not have those figures at my fingertips. I will endeavour to do better as we continue to discuss this part of the Bill, but I suspect that there will be an answer, perhaps in the next few moments, or perhaps in the next hour or two. I hesitate to suggest this, but educational psychologists were all previously funded by local authorities, so it is the first time, so far as we are aware, that central Government will be funding educational psychologists. Clearly, local authorities will still providing some funding if and when they feel it is appropriate, but this is the first time that a significant amount of money is coming from central Government. That shows our confidence in, and support of, educational psychologists and the work that they do. I hope that reassures her.

Bill Esterson: If educational psychologists are no longer in their roles—I have evidence of a similar nature to that given by my hon. Friend the Member for Corby—does the Minister agree that he needs to look not just at legislation, but at what is happening on the ground? Does he agree that he needs to intervene with colleagues in his Department where necessary to make sure that what he intends for the legislation can be delivered on the ground, that the services are there, and that the concerns we heard earlier do not undermine what he is trying to achieve?

Mr Timpson: The hon. Gentleman is of course right that, as we have said on a number of occasions, this is not just about the legislation, as important as the legislation is. The impact that it has on the ground will be significant, but it is not the whole picture of what is required to change the system and make it sustainable in the way that we want. I may be misinterpreting what he said, but I would hesitate to suggest that central Government should always intervene in local decision making. We can set the framework and provide the overarching inspection of services, but there needs to be a level of local accountability.

In paragraph 6.7 of the draft code of practice and in the regulations we have clearly set out the responsibilities for children and young people with special educational needs, and the need for psychological advice from an educational psychologist, where that is appropriate following an assessment of education, health and care needs. We can make it clear what local authorities' priorities should be, but ultimately they have to decide, set against the accountability structures that are in place, on the right mix of provision in their area.

Steve Reed (Croydon North) (Lab): I wonder how partners other than the local authority will be held to account, when most of the duty of accountability falls

[Steve Reed]

on the council, and not specifically on the health agencies or other educational institutions that will be involved in delivering the education, health and care plan.

Mr Timpson: I will come on to the accountability arrangements that are in place when we debate further clauses. However, it is not right to say that only local authorities are being held to account. Education, health and social care all have routes of redress. As regards health, the NHS ombudsman will for the first time be able to make reference to the SEN code of practice when deciding on any complaint that comes before them. The hon. Gentleman will of course know, because he was a long-standing and high-level member of local government for some years, that in relation to social care delivery, in local authorities there are clear routes of redress through local government complaints procedures and the local government ombudsman, which holds local authorities to account.

Before that interesting group of interventions on important issues, I was trying to illustrate that parents want the ability to access whatever part of the provision for their child they feel is not being delivered. They want a single point of information in order to follow that process of complaint through to its conclusion. That is why we are looking at ways to make what I have described as one-stop shops available across the country. Rather than parents having to navigate through a number of different routes from different starting points, as they have had to in the past, they will be able to go to a single point of information and advice. That will effectively triage them and point them to where they need to go to follow their complaint through to its conclusion.

Andy Sawford: Will the Minister give way?

Mr Timpson: I will briefly give way, but I know that you are keen for us to make progress, Mr Havard.

Andy Sawford: It is good to hear the Minister clarify the guidance on the requirement for local authorities to ensure that educational psychology support is provided, and the intentions around the one-stop shop. However, given his description of how personal budgets might work and his acceptance of the changing way in which educational psychologists might be employed, how does he envisage that, in any local authority area at any given time, we could have confidence that educational psychology services will be available where they are required or sought by a parent for their child?

As far as I understand it, the local authority has no duty to retain the services of educational psychologists, so we are entirely in the hands of schools, who can decide whether to maintain ongoing relationships and employ them, or parents, who can choose to give them stability of employment so that they are available for other parents in future. There is huge uncertainty about whether these services will be there, about their quality, and about how easy it will be for parents to access them. That is what we are exploring. The point about educational psychologists is indicative of other professionals; this is not just about educational psychologists. As scrutiny of the Bill progresses, we will need to explore these issues in relation to other professionals as well.

Mr Timpson: The hon. Gentleman should not underestimate the importance of the code of practice and the regulations, which are a statutory code and statutory regulations. As I have set out, they make clear the importance of educational psychologists in local authorities' provision of the range of support that we know children with special educational needs require. Local authorities have a duty to take educational psychologists' advice, so they will need to ensure that they have access to that advice.

Personal budgets, supported by the additional funding that I mentioned, will strengthen the hand of parents, giving them more control over how they access the support that they need from educational psychologists. Over and above that, the local offer will set out all the services that are being made available by the local authority, which means far more transparency. As the code of practice says, the offer is not just a telephone directory; it is much more detailed, and it will make it clear to parents how to access support.

In addition, if an education, health and care plan identifies a need for a child to receive support from an educational psychologist, the local authority will be held to account on the delivery of that element of the plan, and appeal mechanisms are in place in cases where the authority chooses not to deliver it. There have already been cases of parents going to a tribunal when such provision has not been made available by the local authority, and parents were successful in many of them.

Pat Glass: The Minister says that, through the Bill, parents will get access to personal budgets, meaning that they can buy access to an educational psychologist, but will the child not first need to have an education, health and care plan to get access to a personal budget? To get an EHC plan, however, they will need to be assessed by an educational psychologist, so it is a bit of a chicken-and-egg situation. What happens to parents who do not have a plan, but need to have their child assessed by a psychologist? Will that happen through the local authority?

Mr Timpson: On the hon. Lady's question about the remit of personal budgets, the statutory assessment that leads to an education, health and care plan is what triggers the personal budget. From the pathfinders, we know that the plans have led to a much more effective and efficient use of resources within local authorities. There is nothing to stop parents from pooling their budgets to buy in a service—for instance, transport services—that they all need, as has happened in the East Riding of Yorkshire and elsewhere. That is a huge improvement, but we must not forget that there are children who fall outside the statutory assessment but still need some form of additional support; we will come to that later in the Bill. When the hon. Lady re-familiarises herself with the draft code of practice, she will see how the move from the current two-tier category to a single tier in schools aims to shift the emphasis to early support, and outcomes for children. There should be a plan in place for delivering whatever is required in order to achieve those outcomes.

Other mechanisms will be available; they will be set out clearly in the code of practice and in regulations to provide a clear understanding of the support that will be available for children who require some form of

additional support but fall outside the statutory assessment. Of course, if a parent, a young person or—as we are piloting—a child requests an assessment and, for whatever reason, the local authority does not carry it out, or carries it out and deems that the threshold for an education, health and care plan has not been met, they will have a right of appeal. That is a much greater right of appeal, reaching across more groups of families and young people, than at present.

11 am

What we are trying to do through this legislation—this is where we started the discussion—is move back to considering how parents and families can be at the heart of decisions at the outset, so that we do not reach points where they end up in conflict with local authorities or the health service. That challenge will be difficult to meet, but the signs from the pathfinders, and from the example I read out, show how bringing education, health and care much closer together makes parents feel more confident that all the professionals sitting in the room with them are there for the same reason: to support them and their children. That will be the norm, rather than the exception, as it is in too many cases at present.

If a local authority undertakes an assessment, it must get advice from the educational psychologist, as appropriate. To answer the question put by the hon. Member for Corby, given the number of statements that are made each year, and the widening of the education, health and care plans to cover people from nought to 25, we are likely to see an increase in the number of children and young people on a statutory plan, so the role of educational psychologists will become even more pertinent for children and young people who are deemed to require an education, health and care plan.

The reforms place the interests of children and young people first. They bring up to date what we have all acknowledged is an outdated system, while maintaining the rights and protections that families rightly value. They give children and young people with special educational needs and their families better co-ordinated support and more choice and control over how that support is provided.

The reforms provide, for the first time, a single system from birth to 25. We want earlier identification of children's needs, and we want to extend the rights and protections in the SEN system to all young people over 16, whether they choose to continue their education in a school or in further education. The reforms will ensure that all children and young people have the opportunity to fulfil their potential at school, in college and in adult life, including by finding paid work, living independently from their families and carers, and participating in their communities. That is why the reforms have been welcomed across the sector.

Some hon. Members have expressed concern about the scope of our reforms and about whether they will apply to children with long-term health conditions or disabilities. I refer all hon. Members to the parameters of the Green Paper and the scope of reform that it sets out; it is about considering how we can reform the system of special educational needs.

Although I look forward to a full debate on that issue when we consider clause 20, which we might reach before the Committee adjourns, I make it clear that the definition of SEN is very broad. A young person has special educational needs if he or she has a learning difficulty or disability that calls for special educational provision to be made for him or her. That is not primarily a health definition; it is aimed at trying to level the education playing field for young people. For those with health conditions, including those deemed to have disabilities, such as chronic asthmatics, there are already provisions in the Equality Act 2010 under which schools and colleges must make reasonable adjustments to meet their needs. Some three quarters of disabled children are estimated to have special educational needs, so most will benefit from the Bill.

I pay tribute to the contribution of others in developing the reforms. As the hon. Member for Washington and Sunderland West acknowledged in her welcome introduction to amendment 68, there have been further developments, including during pre-legislative scrutiny, that have enhanced and strengthened the Bill. We have consulted a wide range of individuals, charities and campaign groups over many months, and we have sought a wide range of views from local authorities, schools and families, from educational psychologists and the health sector, and from those who provide services and those who will benefit from them. We have also benefited from the extensive and, in many ways, unprecedented level of pre-legislative scrutiny, including from the Select Committee on Education. The reforms have also benefited from the advice and guidance of hon. Members on both sides of the House and have been refined as a result. I would be remiss if I did not pay particular tribute to my predecessor, the hon. Member for Brent Central (Sarah Teather). Although she may have a different style of engagement, as the hon. Member for Washington and Sunderland West said, her commitment and vision provided the foundations for the Bill.

Our local pathfinders have tested, and continue to test, our reforms to ensure that they deliver on our aims. The reason for extending their involvement is so that they not only continue to inform and evolve, but spread what they have learned to local authority areas that are not currently pathfinders, so that they get the opportunity to get ahead of the game before the legislation becomes an Act.

I should now turn to the amendments. I thank you for your indulgence, Mr Havard, in allowing me prosaically to set out the purpose of this part of the Bill.

The Chair: Before you do, let me say something about my care plan for you, as it were. This afternoon, a Bill is being considered in the Chamber, and we are likely to be interrupted. Large amounts of time will be taken out as a consequence, so if we could get to clause 20 by the end of this morning, we would be doing well.

Mr Timpson: Thank you, Mr Havard. I thank the hon. Member for Washington and Sunderland West for the amendments, which seek to bring NHS bodies into the scope of the clause and define the objectives they should pursue.

We included the clause at the beginning of this part of the Bill, with its requirement on local authorities to have regard to the views and feelings of children, young

[Mr Timpson]

people and their parents and to support their involvement in decision making, to underline our determination to put those groups of people at the heart of the new system. It is unnecessary, however, to place additional, parallel responsibilities on NHS bodies, because duties in section 26 of the Health and Social Care Act 2012 already require them to apply similar principles when delivering health services. Clinical commissioning groups must promote the involvement of patients and their carers in decisions relating to their care or treatment, and must offer choices with respect to certain health services provided to them. That personalised approach is described further in the rights and pledges set out in the NHS constitution.

In addition, under clause 25 of the Bill local authorities have a duty to integrate special educational provision with health and social care in a way that promotes the well-being—including social and emotional—of children and young people, and the joint commissioning duty requires local authorities and their health partners to consider and agree the provision reasonably required by children and young people. The local authority is also under a duty to keep under review its education and care provision, including its provision of educational psychologists, and to consult fully with children, young people and parents in doing so. Those principles are set out in more detail in chapter 1 of the new code of practice for nought to 25-year-olds, which I am sure hon. Members will want to look at.

I hope that that reassures the hon. Member for Washington and Sunderland West that local authorities and NHS bodies already must have regard to the needs and wishes of children and young people with SEN in developing the provision that is needed to best help them to achieve positive outcomes and make a successful transition to adulthood. I urge her to withdraw the amendment.

Mrs Hodgson: I thank the Minister for his comments and assurances, and for what has turned out to be a wide-ranging debate, which is always the case when a new part of a Bill is reached—it almost became a part stand part debate. Having heard the Minister's assurances, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mrs Hodgson: I beg to move amendment 69, in clause 19, page 17, line 30, at end add—

'(e) the well-being of the child or young person'.

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

Amendment 73, in clause 25, page 19, line 28, leave out subsection (2).

Amendment 177, in clause 65, page 45, line 3, leave out subsection (8).

Amendment 184, in clause 72, page 48, line 23, at end insert—

'"well-being" means well-being so far as relating to the matters specified in section 10(2) (a) to (e) of the Children Act 2004.'.

Mrs Hodgson: I will not detain the Committee long on this group of amendments, and I hope that the Minister will not either, although that will depend on how many interventions he gets from my hon. Friends.

I tabled the amendments to be helpful to the Minister. They focus on the definition of well-being, which is set out twice in part 3. The amendments seek to tidy up the Bill by removing the subsections that seek to re-define it, and refer the definition of well-being back to the established definition in section 10(2) of the Children Act 2004.

The Minister will be aware that that provision is the legal basis for the Every Child Matters framework, which was set out to ensure that all agencies would promote, and certainly not harm, the well-being of children in five key areas: their physical and mental health, and emotional well-being; protection from harm and neglect; education, training and recreation; the contribution they make to society; and social and economic well-being—or, in the more commonly used phraseology, be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being.

For some reason that I have been unable to fathom, that framework seems to have been dropped from the lexicon of the Department for Education, just as the Department dropped "Children and Families" from its name. If a leaked memo setting out the recommendations of the departmental review is right, the Department also intends to drop or scale back lots of programmes in this policy area to focus on managing academies and free schools.

The reason why that is impossible to fathom is that everyone whom I have met who works in the children's sector, whether they are third-sector advocates, teachers, head teachers or child care professionals—everyone, actually—thought that the Every Child Matters framework was fantastic. No one could understand why it has effectively been abandoned. The framework was a landmark achievement of the Labour Government—yes, it was a Labour Government who came up with it—but is the fact that another party came up with it, after, I might add, lengthy consultation with families, professionals and most importantly children, a good enough reason for the Government to sideline it? That was another question raised by my hon. Friend the Member for Wigan on Second Reading. We did not get an answer then, so I hope that the Minister will give us an answer this morning.

From a legislator's point of view, we already have a perfectly good definition of well-being on the statute book, which has been used in other legislation, such as the Apprenticeships, Skills, Children and Learning Act 2009, the Committee for which I also served on. It covers all the points in the definition in this part of the Bill, so why can we not just carry on with that? If the Minister is not minded to accept the amendments, I hope that he will offer an explanation as to why he would rather add legislation that has the potential to confuse than stick to what works well.

Pat Glass: It is a pleasure to serve under your chairmanship, Mr Havard. The Bill is, in most parts, good. I will take issue with the Minister on a few matters, but in the main I welcome it. It moves in the right direction and, in many respects, it is long overdue. He said earlier that changes on the ground will not

happen by legislation alone. He is absolutely right. In my view—I have significant experience of this from various parts of the country—the biggest issues with SEN are about culture and ethos in schools. Children with SEN do not get a good deal in our schools—not all schools, but too many of them.

Most schools are pretty good at basic teaching and learning. However, there are issues at the pinch points in education—SEN, admissions and exclusions. We need someone, or some body—not necessarily local authorities—to hold schools to account, particularly for what happens to children with SEN.

Just before attending this Committee, I chaired a private meeting of the Select Committee on Education with the Children's Commissioner. She talked to us about some of the things that she will say over the next few weeks regarding children with SEN and issues such as admissions and exclusions. What she describes is something that I have seen in many authorities across this country. Children with SEN are simply at the bottom of every pecking order. Some 75% of children who are permanently excluded from schools are children with SEN. That has been the same in every authority in which I have worked.

Pearson's Academies Commission recently issued a report that highlights issues of concern around admissions and exclusions of children with SEN in academies. Some of the evidence on this is just coming to light now, but those of us who have worked in education all our careers know that it is happening in schools right across the country.

11.15 am

The Children's Commissioner particularly has concerns around fixed-term and illegal exclusions of children with SEN, and around gaps in attainment between children with SEN and their peers, which are far worse in many authorities and schools than the gap in attainment between children on free school meals and their peers.

There are massive variations in how schools welcome and deal with children with SEN. I raised this point in discussion on the Education Bill in 2010. I remember tackling a head teacher in a Catholic school in south-east London—I am a practising Catholic, but some of the practices of faith schools in this country shame me—who had permanently excluded a child with a statement for Tourette's syndrome for swearing. Those kinds of things are happening; they happened in 2010 and they continue to happen to children with SEN even as we speak. I do not necessarily blame schools for that. Successive Governments have put in place an accountability system that says, "If you do not get a sufficient amount of five A to C grades, then no matter how good a head teacher you are, you will be sacked", and a head teacher in a struggling school who is up against that kind of accountability will not welcome children who will simply drag the school's results down. We cannot necessarily blame individual head teachers for this. It is the culture and ethos of the system, and what comes out of debates such as this—

The Chair: Order. We are trying to talk about the definition of well-being as it relates to local authorities. I appreciate the points that she is trying to make, and doubtless there will be an opportunity to raise them when we consider later clauses. I am just looking at the time. We have until 11.25 am.

Pat Glass: I will just make a couple of quick points about well-being.

The Chair: Right. Thank you very much.

Pat Glass: In all the years in which I have worked in education, the elephant that is not in the room has been health—they are almost always missing, and if they do turn up, they rarely bring their cheque book. I am therefore very concerned that the definition of well-being does not apply to health.

I am a member of the Education Committee, and we have been so concerned about this issue recently that we have approached the Select Committee on Health, with a view to carrying out a joint report on children's health services. The lack of priority given by the NHS and other health bodies to the needs of children, their health and their well-being is worrying, and I am disappointed that although we had an opportunity to include a duty on health to promote well-being in the Bill, we did not take it. I have seen numerous cases of parents being forced to seek very expensive residential education placements for children because health has failed to provide the health provision that those children need. A duty on health to promote well-being in a Bill such as this one would make that situation much less likely in the future.

Very quickly, I just want to mention children with cancers, chronic illnesses and disabilities. The Minister gave us the definition of SEN. Under that definition, these children do not apply. That will not change unless we change the definition.

Chris Skidmore (Kingswood) (Con): On a point of order, Mr Havard. Very briefly, I am on the Education Committee, too. I was unable to attend it this morning because I was here, in the Bill Committee. The hon. Lady mentioned, and quoted, the Children's Commissioner. That was a private sitting of the Committee, so I wanted to ask your advice about whether a Member can ask the Minister to respond to information given in a private Select Committee sitting—information that even the Children's Commissioner would not have known would be discussed in this Bill Committee.

The Chair: I understand the point. Clearly, that is not a matter for me, but it will possibly be a matter for the Chair of the Select Committee of which you are both members. *[Interruption.]* Quite. You will have to have that fight somewhere else.

Mr Timpson: Thank you, Mr Havard. I welcome the speeches made on this amendment. I understand its scope, and I do not want to stray too far from its specifics.

I have exchanged correspondence with the hon. Member for North West Durham—it may have been a parliamentary question, but I recall holding some discourse with her—on measuring the performance and progress in schools of children with special educational needs, and on exclusions. Back in September 2012, the Ofsted framework for inspecting schools in relation to special educational needs was strengthened. She will be aware from recent announcements by my Department that there is a proposal to move towards a greater emphasis in schools on destination measures. That will help those children who would not otherwise have enough input into how schools'

[Mr Timpson]

academic attainment is measured. That is rightly a re-emphasis of how schools should be judged on their performance.

Duties around exclusions fall on academies as on other schools. The hon. Lady may be aware that some exclusion trials involve testing schools that retain responsibility for the outcomes of the children they exclude. In other words, once a child is excluded, those schools have responsibility for what happens next to the child, rather than absolving themselves of all responsibility. I am happy to discuss those issues with her in due course.

I thank the hon. Member for Washington and Sunderland West for tabling amendment 69. I know how important it is to her to ensure that the well-being of children and young people is central to the SEN reforms, and I agree. That is why clause 25 will require local authorities to consider the well-being of children and young people in promoting the integrated delivery of education, health and social care services. Local authorities must exercise all their functions with regard to children and young people with SEN to ensure integration of services, which means that the well-being of children and young people is already integral to the delivery of the new SEN system.

Furthermore, clause 65 will provide for the collection and publication of information that will assist the Secretary of State in improving the well-being of children and young people with SEN. The hon. Lady was originally the proposer and driver of putting that into law, and I re-emphasise the importance of her work putting that on the agenda. Both clauses 25 and 65 set out exactly what is meant by "well-being". That helpfully brings me to her amendments 73, 177 and 184, which seek to make that definition consistent with the one in the Children Act 2004.

Annette Brooke (Mid Dorset and North Poole) (LD): I want to comment briefly on amendment 69. Clause 19(d) mentions the achievement of

"the best possible educational and other outcomes."

I wonder whether I can persuade the Minister that those other outcomes should definitely include happiness and safety.

Mr Timpson: As ever, my hon. Friend is keeping a close eye on the progress of the Bill. I will look carefully at what she says and will seek to provide her with the reassurance she requests. She is right to look carefully at what is entailed in the outcomes that we seek to achieve. For many families, those outcomes will go much wider than education, because there are so many other elements to a child's life that give them the opportunity to reach their full potential.

The well-being of this particularly vulnerable group of children and young people drives our reforms and sits at the heart of the Bill. That is not merely an aspiration; the definition of well-being in clauses 25 and 65 is deliberately broader than the one in the Children Act. It goes beyond that Act's parameters by adding provisions to ensure that children and young people are fully involved in the decisions that affect them, giving them control over their day-to-day lives, and to promote strong friendships and family relationships. The definition of well-being in this Bill is consistent with the definition in clause 1 of the draft Care and Support Bill. There is a consistent definition that will support joint working across services, which is important from a professional's point of view. These are important factors for children and young people with SEN. The Bill sends a clear signal that we want them to be fully involved.

11.25 am

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

Adjourned till this day at Two o'clock.