# PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

## Public Bill Committee

# CHILDREN AND FAMILIES BILL

*Nineteeth Sitting*

*Thursday 25 April 2013*

*(Morning)*

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**Monday 29 April 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, Mr 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

*Thursday 25 April 2013*

[Mr Dai Havard *in the Chair*]

## Children and Families Bill

## Written evidence to be reported to the House

CF 106 Muslim Council of Britain
CF 107 Lichfield Childminding Association
CF 108 Dr Debbie Sayers and Bethlyn Killey
CF 109 Alliance for Inclusive Education
CF 110 Interface Parent Carers
CF 111 Adoption UK
CF 112 Fatherhood Institute
CF 113 British Association of Social Workers
CF 114 National Association of Head Teachers
CF 115 Royal College of Psychiatrists
CF 116 Action for Prisoners Families
CF 117 Action for Children
CF 118 Lucy Evans
CF 119 Ibrahim Bilal Maynard
CF 120 Children's Commissioner for Wales
CF 121 Mr I. Kala and Mrs A. Kala
CF 122 Hampshire Parent/Carer Network
CF 123 Nkechi Ode
CF 124 False Allegation Support Organisation (UK)
CF 125 Rutland Parent Carer Voice
CF 126 Syed Jung
CF 127 Lancashire Council of Mosques
CF 128 Anthony Powell
CF 129 Foster Care Link
CF 130 Shama Jung
CF 131 Freedom Organisation for the Right to Enjoy Smoking Tobacco
CF 132 CORAM
CF 133 Jackie Lewis
CF 134 Dyslexia Action
CF 135 Nattlyn Jeffers
CF 136 Alice Jackman

### New Clause 1

Amendments to the Health Act 2006

'(1) The Health Act 2006 is amended as follows.

(2) After section 8, insert—

**"8A Offence of failing to prevent smoking in a private vehicle when children are present**

(1) It is the duty of any person who drives a private vehicle to ensure that that vehicle is smoke-free whenever a child or children under the age of 18 are in such vehicle or part of such vehicle.

(2) A person who fails to comply with the duty in subsection (1) commits an offence.

(3) A person convicted of an offence under this section who has not previously been convicted of such an offence shall have the option of attending a smoke-free driving awareness course in place of paying a fine under subsection (4).

(4) A person who does not wish to attend an awareness course or who has previously been convicted of an offence under this section is liable on summary conviction to a fine of £60.

(5) The Secretary of State may introduce regulations to alter the level of penalty payable under subsection (4).

(6) The Secretary of State shall update all relevant regulations regarding the offence created under subsection (2) within six months of this section coming into force.

(7) The Secretary of State shall introduce regulations within six months of this section coming into force to prescribe the format of the awareness course in subsection (3).".

(3) In section 79(4)(a), leave out "or 8(7)" and insert ", 8(7), or 8A(5).".'.—*(Mr Steve Reed.)*

*Brought up, and read the First time.*

11.30 am

**Mr Steve Reed** (Croydon North) (Lab): I beg to move, That the clause be read a Second time.

It is a joy, as ever, to serve under your chairmanship, Mr Havard. The new clause is in my name and that of my hon. Friends the Members for Stockton North (Alex Cunningham), for Sefton Central and for North West Durham. Our intention is to protect children from the damaging effects of passive smoking in cars.

One in five people in the UK are affected by lung disease at some point in their lives. By far the biggest single cause of lung cancer is smoking, including passive smoking. The new clause would prohibit smoking in cars when children or young people under the age of 18 are present. The harm that passive smoking causes to children's health is well documented. Although members of the public are protected from passive smoking on public transport and in work vehicles, large numbers of children are regularly exposed to toxic, cancer-causing second-hand smoke in family cars. Children exposed to passive smoking can suffer from asthma, bronchitis and reduced lung function. Every year, 165,000 more children are affected by diseases related to passive smoking. The cost to the health service of the GP consultations, hospital admissions and treatments for such illnesses is estimated at around £23 million a year. Children are particularly vulnerable to second-hand smoke as their lungs are smaller, they breathe more quickly and their immune systems are less developed.

Smoking in cars is a particular concern because of the confined nature of the space. A single cigarette smoked in a moving car with the window half-open exposes a child in the back seat to two thirds as much smoke as they would be exposed to in smoke-filled pub; that increases to 11 times more smoke than in a smoky pub when the cigarette is smoked in a stationary car with the windows closed. Around one in five children aged 11 to 15 report often being exposed to second-hand smoke in cars, and over half of all children report being exposed to it in that way at some point. Unlike adults, who make informed decisions about smoking or entering places where passive smoking is a risk, children are

often unaware of the dangers, or feel unable to try, or embarrassed about trying, to stop adults smoking around them.

In 2011, the all-party group on smoking and health concluded that, alongside educational campaigns, legislation would be necessary to reduce children's exposure to second-hand smoke in cars; seat belt wearing increased from 25% to 91% after legislation was introduced alongside awareness campaigns. In a survey of parents conducted by the British Lung Foundation, 86% of respondents supported a ban, including 83% of smokers.

There is a clear case for banning smoking in cars with children present on health, cost and moral grounds. I urge the Minister to support the new clause, to save thousands of children from having their health damaged or, potentially, their lives cut short.

**Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): In government, Labour took a number of steps aimed at reducing the number of deaths and illnesses caused by smoking and second-hand smoke, including introducing a ban on smoking in public places, which came into force in July 2007. However, smoking still remains by far the largest preventable cause of cancer, and we can definitely do more to protect children from smoke, as was said so eloquently by my hon. Friend. Eight out of 10 smokers start by the age of 19, and if we are to discourage children from ever starting to smoke, we need to look at the marketing of highly addictive and seriously harmful products.

When he was Health Secretary, my right hon. Friend the Member for Leigh (Andy Burnham) proposed that the next front in the fight would be standardised or plain packaging, and we urge the Government to stop stalling and introduce measures to ensure that as soon as possible. If recent media reports are to be believed, the Under-Secretary of State for Health, the hon. Member for Broxtowe (Anna Soubry), who has responsibility for public health, is using all the means at her disposal to agitate for such measures, including briefing journalists and so on. The Opposition support her in those endeavours, even if her colleagues do not.

**The Chair:** Order. Before you continue, I must say that the new clause is about smoking in private vehicles. Context is helpful, but please constrain your remarks to the new clause.

**Mrs Hodgson:** I was just coming back to order, Mr Havard. We also need to look at what else we can do. Children are particularly vulnerable to second-hand smoke, and there is clearly a strong case for banning smoking in cars when children are present. As my hon. Friend the Member for Croydon North outlined, as part of the Opposition's policy review on public health, we are looking at this issue to ensure we are doing all we can to protect children and young people from the effects of smoking and second-hand smoke. Front-Bench colleagues in the health team look favourably on my hon. Friend's position; I hope that the Government will as well.

**Chris Skidmore** (Kingswood) (Con): Although I am sympathetic to hon. Members' arguments, I want to ask for more detail on the new clause. What is a

"smoke-free driving awareness course",

and how much would it cost? I want more information on the table before the new clause is approved. Surely a smoke-free driving awareness course simply means saying, "Don't light up a cigarette." What would that awareness course cost the taxpayer?

**Andy Sawford** (Corby) (Lab/Co-op): I rise to speak briefly in support of the new clause, although the hon. Member for Kingswood makes an important point. Changes such as this require substantive work to understand the implications and the costs. I am very interested in the comments that my hon. Friend the Member for Washington and Sunderland West made about Labour's policy review. If the new clause is not approved today, I hope that the policy review will set out the detail of this work, with the intention of banning smoking in cars when children are present.

**The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson):** The new clause seeks to amend the Heath Act 2006 to create a new offence of failing to prevent smoking in a private vehicle containing children under the age of 18. The hon. Member for Stockton North has played an important role in raising awareness and stimulating public debate on the issue of the exposure of children to second-hand smoke in private motor vehicles with his private Member's Bill last year and his sponsorship of Lord Ribeiro's Bill.

Clearly, this is principally a matter for my right hon. Friend the Secretary of State for Health, and I have consulted him about this new clause. Smoke-free legislation has been in place since 2007, as the hon. Member for Washington and Sunderland West noted. We know that those laws have been effective in reducing exposure to harmful second-hand smoke in enclosed pubic places and workplaces. Smoke-free legislation has been a success, and compliance levels are high.

It goes without saying that hon. Members on both sides of the House want to see the end of smoking in cars in which children are present. Evidence of the harm to children from second-hand smoke is well documented, and many children continue to be exposed in family cars and homes. However, we must find the most proportionate, appropriate and workable way of achieving and enforcing that. Some believe that legislation is the right way forward, although the all-party group on smoking and health, to which the hon. Member for Croydon North referred, acknowledged in its report of November 2011 that it is not obvious what the most appropriate form of intervention is. It recognised that laws prohibiting smoking in cars carrying children would not ensure the protection of vulnerable adults, and would not be easy to enforce.

The Government published a tobacco control plan in March 2011, which stated:

> "Rather than extending smokefree legislation, we want people to recognise the risks of secondhand smoke and decide voluntarily to make their homes and family cars smokefree."

With that in mind, the Government undertook to run a marketing campaign to raise awareness of the dangers of smoking in vehicles and in the home, especially when children are present. That campaign ran in April and May last year and aimed to encourage positive behaviour change in parents and other adult smokers in the presence of children.

*[Mr Edward Timpson]*

An evaluation of that campaign showed that it was successful in changing attitudes and behaviours. Some 87% of those surveyed agreed that second-hand smoke can cause significant harm to children, and 70% said that the campaign made them realise that smoking out of an open door or window is not enough to reduce the health risk to children. The Government have decided to rerun the campaign in June 2013, which fulfils a recommendation of the all-party group's report on smoking in private vehicles. Again, the success of that campaign in encouraging positive behaviour will be rigorously evaluated. My right hon. Friend the Secretary of State for Health has committed to look at this issue again once he has had the opportunity to consider the impact of this year's marketing campaign. With that in mind, I urge the hon. Member for Croydon North to withdraw the new clause.

**Mr Reed:** I thank the Minister and the other speakers for their comments. In response to the hon. Member for Kingswood, of course a cost would be associated with giving lessons in driving smoke-free when there are children in the vehicle to people who offended against the law, but that would undoubtedly be significantly less than the cost of dealing with the ill health that arises among children exposed to passive smoking in that way. As I said, the Royal College of Physicians estimates that cost to be about £23 million each year, so we would be looking overall at a saving to the public purse, as well as improvements in the health of children who are exposed to passive smoking.

I know that the Minister shares my worry about the issue, but his response was not sufficient to tackle the scale of the problem, given the professional estimate that there are about 165,000 new cases each year among children of diseases linked to passive smoking, much of which occurs in family vehicles. We need more than educational campaigns. They have not proved sufficient. If we consider the example of seat belt wearing, the percentage of people who started belting up after regulations were in place alongside educational campaigns increased from 25% to 91%. We would see a significant reduction in the number of adults smoking in vehicles with children present if legislation were introduced. I wish to put the Government on notice that we shall pursue the matter further on Report, although I shall not press the new clause to a Division now. I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

**The Chair:** Before we proceed, I wish to make a couple of administrative points. I have taken off my jacket; that is the usual signal. It is a bit clammy in here, so if hon. Members want to take off their jackets and so on, that is fine. As far as our progress is concerned, as you can see, the business in the Chamber may or may not attract a vote when it ends; I do not know when that will be. If there is a vote, we will have to suspend the sitting for 15 minutes. On how we shall proceed after that, I will tell you more about that once I have had a discussion with the Whips and other members of the Committee.

**New Clause 2**

INFORMATION SHARING

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

(a) carry out a review of the benefits and risks to children, young people and their families of increased information sharing between front-line practitioners who provide services to them; and

(b) publish a report of the conclusions of the review.'.—*(Mr Steve Reed.)*

*Brought up, and read the First time.*

**Mr Reed:** I beg to move, That the clause be read a Second time.

I shall speak to the new clause on behalf of my hon. Friends the Members for Sefton Central, and for Stockport (Ann Coffey). It explores the effect of wider information sharing among professionals involved in providing services for children. It would require the Secretary of State to conduct a review on the effects of improved information sharing between the front-line professionals who are providing those services. There are, of course, both risks and benefits in increasing the exchange of information about individual children, and a balance is drawn between the two to guide professional practice. The new clause asks the Government to consider whether that balance, as currently drawn, is appropriate, or whether it needs to be altered to improve outcomes for children who are vulnerable or at risk of harm. The agencies that have dealings with these children, as well as their families or carers, might include schools, health professionals, children's services, the police and people working for voluntary or community organisations. Concerns noticed by one agency are not necessarily shared with other agencies, which might be better placed to intervene, and that may not always be in the best interests of the child.

There is a point of risk when the family of an at-risk child moves; there is a lack of continuity of care, and insufficient assurance that police or social workers in the child's original home area will pass on all matters of concern to authorities in the new area. There is a particular risk during the handover period, when the new responsible authorities do not have the full information that they need to guarantee safety. If rehousing is temporary—there are growing instances of that, as welfare reforms take hold—the risk increases even more.

The new clause calls on the Government to review the position and to come back with proposals to minimise the risks. The interests of the child must always be paramount, and we must take whatever action is necessary to ensure the safety of vulnerable children. I hope that the Minister will support the new clause.

11.45 am

**Mr Timpson:** I welcome the opportunity to debate the serious and important issue of information sharing, which we touched on in earlier discussions. Although we believe it is for local agencies to determine how to share data effectively, we asked Professor Munro, as part of her review of child protection, to consider the value of having a national means of providing a quick and reliable way of identifying whether a child is, or has been, the subject of a child protection plan, and whether

they are or have been looked after. She concluded that there was no compelling case to recommend a national system at this point. We accepted her conclusion, but agreed to keep under review the question of how best to help professionals who work with vulnerable children to co-operate and share information to keep children safe.

An emerging local information sharing initiative, the multi-agency safeguarding hub—commonly known as a MASH—co-locates professionals from different agencies to act on and share information so that they can identify the needs of the child and take appropriate action. Other models are emerging, and we welcome such initiatives. There are, of course, times when central Government must intervene. Too often, serious case reviews have shown how ineffective information sharing has contributed to the deaths or serious injuries of children. Knowing what information to share, and when, can be complex. Professionals must be aware of the implications of disclosure or non-disclosure and be able to justify their decisions.

We have made it clear in the revised statutory safeguarding guidance, "Working Together", that locally, through the local safeguarding children board, all organisations should establish a culture that supports information sharing between and within organisations. We are also commencing the information sharing power in section 8 of the Children, Schools and Families Act 2010. That will give LSCBs the power to request information from other persons and bodies. Section 8 will also provide practitioners with an assurance that they can share certain sensitive information with the LSCB.

It is frustrating that we continue to hear, time and again, of reasons why professionals cannot share information, rather than of efforts to find reasons why they can. We are clear that fears about sharing information cannot be allowed to stand in the way of keeping children safe. No professional should assume that someone else will pass on information that they think may be critical to keeping a child safe. Strong leadership and a skilled work force, capable of identifying problems and knowing what action to take together, are the key ingredients to improved information sharing. In "Working Together", the presumption of information sharing is clear.

The Government also made a commitment to seek to capitalise on any opportunities for existing IT systems to be used to improve practice in child protection. Through the child protection information sharing system, led by the Department of Health, the Government are taking steps to improve information sharing arrangements between health and social care departments. That initiative will be rolled out in phases and will allow doctors and nurses working in emergency departments and urgent care centres to see whether the children they treat in those settings are subject to a child protection plan or are being looked after. It will also allow children's social care to see how many times children have attended emergency departments and/or urgent care centres over a period of time, which can be an indication of neglect or abuse. We are in the process of appointing a chief social worker who, through their work with principal child and family social workers, will be able to identify any gaps in practice and reflect them back to both the sector and central Government.

I have outlined a number of initiatives taking place at local and national level to improve information sharing between agencies and professionals. The chief social worker will play a critical role in helping central Government to articulate clearly their views about standards and best practice. We have also said that we will keep under review the question of how best to help professionals.

11.48 am

*Sitting suspended for a Division in the House.*

12.3 pm

*On resuming—*

**Mr Timpson:** As I was saying before we broke for the vote, we have all said that we will keep under review the question of how best to help professionals who work with vulnerable children to co-operate and share information to keep children safe, including through Ofsted reports. We will, of course, take further action where necessary. I hope the hon. Gentleman will be reassured that the Government are committed to this very important issue. On that basis I urge him not to press the new clause.

**Mr Reed:** I do not doubt for an instant the Minister's commitment to protecting children in these circumstances. However, I have sat in on some of the handover conferences in Lambeth which, as he will be aware, has the best rated children's services in the country. The families of vulnerable children were being moved in from another borough and the professionals were raising serious concerns about the lack of continuity of information at that point of handover. I am worried about the large increase in the number of vulnerable families who are moving from central London as a result of welfare changes, including the benefit cap. Many of those families will have children and some of those children will be on the at-risk register. There are reports that in Westminster some primary schools are losing as many as 40% of their children as a result of those welfare changes.

Those families being moved out of their home borough where they were settled will sometimes be moved into temporary accommodation in other boroughs. They may be moving from one borough to another relatively frequently over a short period of time. Where there are concerns about those children, there are genuine risks that we need to address as the welfare reforms come into place, particularly where those families are moving across boroughs with relative frequency.

Having made that point, I will withdraw the new clause, but I ask the Minister to reassure himself that the risks have been recognised and addressed, because, despite his statement, I am not fully convinced that they have been. I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

**New Clause 12**

PROVISION OF HEALTH SERVICES FOR CHILDREN LOOKED AFTER BY LOCAL AUTHORITIES

'(1) Following a medical assessment at the time of a child being taken into care, the clinical commissioning group has a duty to health services, where appropriate.

(2) Health services includes, but is not limited to, therapeutic counselling and other mental health services.'.—*(Annette Brooke.)*

*Brought up, and read the First time.*

**Annette Brooke** (Mid Dorset and North Poole) (LD): I beg to move, That the clause be read a Second time.

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

New clause 27—*Access to therapeutic support*—

'(1) Where a child has been abused or harmed, or a child has been placed at risk of abuse or harm, the local authority or clinical commissioning group has a duty to provide health services, where appropriate.

(2) In this section—

"health services" includes, but is not limited to, therapeutic counselling and other mental health services;

"local authority" has the meaning given by subsection 13(9);

"clinical commissioning group" has the meaning given by section 10 of the Health and Social Care Act 2012.'.

New clause 28—*Duty to promote the mental health and emotional wellbeing of looked after children*—

'In section 22 of the Children Act 1989 [General duty of local authority in relation to children looked after by them] after subsection (3A) insert the following new subsections—

"(3B) The duty of a local authority under subsection (3)(a) to safeguard and promote the welfare of a child looked after by them includes in particular a duty to promote the child's mental health and emotional wellbeing.

(3C) A local authority in England must appoint at least one person for the purposes of discharging the duties imposed by virtue of subsection (3B).

(3D) A person appointed by a local authority under subsection (3C) must be an officer or the local authority, another local authority or a health body in England".'.

**Annette Brooke:** I have a long-standing concern about the inadequacy of the provision of mental health services, including therapeutic services, for child victims of sex abuse and for children in care, who may have been subject to various forms of neglect and abuse. Some 45% of children taken into care have a mental health issue.

In 2008, I was delighted when legislation introduced compulsory mental health assessments of children taken into care between the ages of four and 16. Interestingly, I could not get an amendment to that legislation to attach a duty to provide the accompanying mental health services accepted for discussion. I see an opportunity, however, with this Bill, because of the Minister's commitment to put duties on health services. Given the shortage of time and that this is such a big issue, I would be content to resubmit new clauses 27 and 28, but I want to meet the Minister to ensure that I have adequately conveyed the many serious and important points. It is an investment to save children who are damaged and do not have counselling at the right time. They have troubled and difficult lives. Some may go on to abuse others, so those mental health services are vital.

**Mr Timpson:** I thank my hon. Friend for raising this serious issue. The Government are committed to ensuring that children receive the health services that they need, including those for mental health, when they need them. Key documents published by the Department of Health make explicit the responsibilities of the National Health Service and local authorities to vulnerable children. There are also explicit references to looked-after children, those with special educational needs and those adopted from care in the Government's mandate to the NHS Commissioning Board and the joint strategic needs assessment statutory guidance. The needs of vulnerable children are also addressed through the children and young people's health outcomes strategy.

The legislative framework—the Children Acts of 1989 and 2004 and the Health and Social Care Act 2012—for meeting the assessed health care needs of children, including mental health needs, is in place. The new public health role of local authorities through the local joint strategic needs assessments and the accompanying strategies that they must develop through health and wellbeing boards make that framework stronger than it was.

In acknowledging my hon. Friend's long-standing interest and involvement in the area, I am more than happy to meet her to discuss further what more we can do to strengthen the work that is under way and to learn from her knowledge, which she has gathered over a long period of time, so that we can be as informed as we possibly can be. On that basis, I ask her to withdraw the new clause.

**Annette Brooke:** I thank the Minister for that, and I look forward to meeting him. I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

**New Clause 18**

INFORMATION SHARING ABOUT LIVE BIRTHS

'(1) NHS trusts should make arrangements to share with local authorities records of live births to parents resident in their area, to be used by the local authority for the purposes of identifying and contacting new families through children's centres and any other early years outreach services it may operate.

(a) the format of arrangements made;

(b) the safeguarding of information;

(c) the circumstances in which it would not be appropriate for a trust to provide information to local authorities;

(d) the regularity of data transfers;

(e) timescales within which a local authority must contact new families made known to it; and

(f) any further requirements the Secretary of State deems necessary.'.—*(Mrs Hodgson.)*

*Brought up, and read the First time.*

**Mrs Hodgson:** I beg to move, That the clause be read a Second time.

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

New clause 40—*Information on children's centres*—

'(1) The Secretary of State must compile and publish information on children's centres in England every three months, including—

(a) the number of registered children's centres in each local authority area;

(b) the annual budget of each children's centre in each local authority area;

(c) the total weekly opening hours of each centre in each local authority area;

(d) any changes in the figures for (a), (b) or (c) since the same period in the preceding year; and

(e) any other information he deems useful to compile and publish.

(2) Local authorities are obliged to provide information requested by the Secretary of State in pursuance of his duties under subsection (1), in a format specified by him.

(3) The Secretary of State must publish information in an accessible format, not later than three months after the information has been provided by the local authorities.

(4) The Secretary of State may charge a prescribed fee for providing information compiled under this section in paper form.

(5) The level of fee charged under subsection (5) must not exceed the cost of production and supply.

(6) In this section "Children's Centre" has the meaning given by section 5A(4) [Arrangements for provision of children's centres] of the Childcare Act 2006.'.

New clause 56—*Independent study: registration of births at children's centres*—

'(1) The Secretary of State shall commission an independent study of the likely impact on the welfare of children of requiring births to be registered at children's centres.

(2) The Secretary of State may, by regulations, establish pilot schemes to trial the registration of births within children's centres, to inform the independent study under sub-section (1).

(3) In this section "children's centre" has the meaning given by section 5A(4) (Arrangements for provision of children's centres) of the Childcare Act 2006.'.

**Mrs Hodgson:** New clause 18 would place duties on the relevant NHS bodies to share live birth registers with local authorities and, specifically, children's centres and children's services. That would enable better outreach by those services to the families who need them.

I was inspired to seek this legislative change by various people in places that I visited, but the one that particularly stands out was the visit I made to a Sure Start centre in Manchester—in the constituency of my hon. Friend the Member for Manchester Central— at the beginning of last year, before my hon. Friend joined us in Parliament. I went there to meet professionals who are redesigning early intervention services across the city and we discussed how to reach the families that they struggled to reach before, especially how they are doing that in the face of large cuts to early intervention funding imposed by central Government, which we will come on to later.

The issue of outreach inevitably came up and I asked the professionals how they were managing to reach so many families, as the results were impressive. They told me that, after lengthy negotiations, the local NHS had agreed to let them have a paper copy of the live birth register, which a nominated person had to go and collect. They had to manually enter the details into an un-networked computer and then destroy the paper copy. That is a pretty inefficient process in this day and age, but the Manchester team were doing it because it was so important. It was the only way they could get hold of the information that would allow them to go out and encourage parents to come and access the services available, so all props to Manchester for being innovative in such a "backwards" sort of way, if that makes sense.

I understand from my hon. Friend that the system has since been improved still further and that her constituents are now also able to register births in children's centres, which we will come on to later. Many of the other children's centres and other services that I visited across the country—the majority, in fact—have not been so successful in getting that information, so they have no idea which doors to knock on. Some of them use other means such as peer networks, which involves Sure Start users knocking on neighbours' doors and encouraging them to go along, too, which obviously has a value of its own. However, by their very nature, we cannot rely on volunteer networks to identify new families, especially in the types of areas where populations are transient and neighbours never really get to know each other and certain sections of communities never engage proactively with services such as Sure Start.

As I understand it, there is nothing to say that such information sharing cannot happen at the moment, but the fact that it does not is often down to an agency believing that it cannot or putting up unnecessary barriers of its own. It is the role of central Government to ensure that such information sharing does happen. I have been waiting a long time for the Bill to come along and provide me and colleagues, including some Government Members who are passionate about the foundation years, with an opportunity to make the case in Parliament for a statutory duty to ensure that front-line children's services get the information that will be of great benefit to the centres that are currently operating in the dark effectively.

I therefore hope that the Minister will either accept the new clause or provide an assurance that she will consider what steps she can take with her ministerial colleagues to break down yet another wall between health and education, especially considering the endeavours of her hon. Friend the Member for Crewe and Nantwich, the Minister with responsibility for children, who has already done so much with regard to special educational needs.

Unfortunately, it is the case that even if people know where the babies and new parents are, they are unlikely to be able to build up a relationship with them if the services they are pointing them towards do not provide anything that they want or need, or think they want or need, or if they are too nervous to go there, perhaps because they are suffering from post-natal depression and isolation. Unfortunately, as the "fun" universal services are cut back and budget pressures mean we have to focus on the targeted intervention programmes, which carry a degree of stigma with them, that is the reality for many parents. It means their children will not interact with the early years staff who might be able to spot problems such as disorganised attachment and refer the family to targeted intervention services that could address them.

I like the idea of the right hon. Member for Birkenhead (Mr Field) of greater co-location of local services within children's centres, ensuring that there is a reason for every new parent to come through the front door, meet staff and see what they could get out of their local centre. New clause 56 specifically promotes that with regard to the registration of births, and I again pay tribute to the hon. Member for South Northamptonshire, who is not in her place at the moment, for introducing it and for doing so in a cross-party and consensual way.

*[Mrs Hodgson]*

If we move this necessary service into children's centres, then the parent or parents of every new-born child will have to walk through that children's centre door, speak to the lovely receptionist and walk past all the great activities going on in that centre, which they may—or may not—have otherwise known about or dared to approach. We recognise that this may not be practicable in every area, which is why the hon. Member for South Northamptonshire and I call for a feasibility study and pilot scheme before rolling this out across the country. We also agree that it would be great to go further and find a way of requiring every expectant parent to visit their local children's centre before their child is born, possibly through the collection of ante-natal classes and maternal health checks and so forth—although this might be more complicated in terms of the structure of health service delivery.

12.15pm

I do, however, believe that this simple new clause could be the initial spark for a significant revolution in delivering those services increasingly through our network of children's centres. I therefore hope that the Minister will look upon this favourably, and if she cannot accept it right away, that she will give us a firm assurance that the Government will look at taking forward this idea on their own. After all, it was an idea that was part of the Field review of child poverty and life chances, which they commissioned amid great fanfare.

New clause 40 is an attempt to increase the accountability of the Department for Education for managing our national network of children's centres. In my view, and in that of many of my colleagues on the Opposition Benches—maybe even one or two on the Government's side—it is one of the best, if not the best, thing that the last Labour Government did. Unfortunately, despite warm pre-election promises from both the Prime Minister and Deputy Prime Minister that they would totally protect Sure Start and that our warnings to the contrary were "scaremongering", Sure Start has undoubtedly been undermined. House of Commons Library comparisons show that compared with 2010, local authorities will receive between 35% and 47% less to pay for Sure Start and early intervention in this financial year, with the average cut of 42%.

The latest Government figures show that there are more than 400 fewer children's centres since the election. Research by 4Children and others has highlighted that many centres now charge for services, are cutting the hours of services or getting rid of them altogether. As we know, that includes child care, because the Children's Minister's predecessor said that the areas of greatest deprivation did not have to provide it, despite what we know about the difficulty that the private, voluntary and independent sector has in running sustainable settings in those areas. There have undoubtedly been a lot more cuts to services that have gone under the radar and unreported, than the fairly crude, empirical data that we gain through parliamentary questions and freedom of information requests. That is one of the reasons why I supported setting up Labour Friends of Sure Start earlier this year, to gather local stories about services which were valued, but then lost.

This is not the fault of local authorities, many of whom have to cross-subsidise their Sure Start and early intervention spending due to the savage cuts from the Government that I talked about. It is squarely the fault of the Department for Education, which got such a poor deal across the board from the last spending review and will no doubt do so again in the upcoming one. Because of that settlement, the Department then took away the ring fences that ensured that money should be spent for a specific purpose—in this case early intervention—so it is actually spent on a host of other things, even filling in potholes. On that basis, it should be the Department for Education that carries the can for reductions in services through Sure Start. To ensure that happens, my new clause would require the Secretary of State to publish periodically easily collected information on children's centres. If the Minister cannot accept this new clause, I would be grateful if she could tell the Committee why, and why she does not believe that the Department for Education should be subject to this level of scrutiny.

**Mr Robert Buckland** (South Swindon) (Con): I rise to speak briefly about the new clause and amendment (a) to new clause 18, which is in my name and that of my hon. Friend the Member for South Northamptonshire and the right hon. Member for Birkenhead.

I will not repeat what the hon. Member for Washington and Sunderland West has said about the merits of this proposal, but I commend the approach that, in my view and that of many colleagues, needs to be taken towards hard-to-reach families who often do not make that initial important contact with agencies that can help them. A measure such as this would help them to be reached. Fathers, who are particularly hard to reach, would have to come to register the birth with the mother. That is a vital stage and an opportunity for children's centres to offer the range of excellent services that do so much good for families in my constituency and elsewhere.

The issue has been long in gestation—to use an appropriate metaphor—to which I am looking for a positive response from the Minister. Although we may not be able resolve the issue here and now, I hope that it can be work in progress that will deliver a real outcome, not only for the children's centres but the thousands of families not quite within the reach they need to be at the moment.

**Lucy Powell** (Manchester Central) (Lab/Co-op): It is always a pleasure to serve under your chairmanship, Mr Havard. Talking of gestation, I am pleased to have made it to the final day of the Bill fully in gestative mode, as it were. I will not speak for long.

As my hon. Friend the Member for Washington and Sunderland West raised the example in my constituency, I thought it would be useful for the Minister and Committee to hear a little more about that. As the hon. Member for South Swindon mentioned, it has been good to see, in the pilot and feasibility study that started in my constituency and has now rolled out over the whole of Manchester, the huge increase in the hard-to-reach families now accessing services that they need the most.

Without that additional information sharing, access to services is for the self-selecting and not those who would benefit the most. Some amendments refer to

feasibility studies and so on. I suggest that the Minister and Government look no further than that feasibility study and the evidence gathered over the past 18 months in Manchester when exploring how to take the measure forward. If she or her colleagues would like to come to my constituency, I would be happy to host them. The evidence is clear and it is vital to apply the practice across a wider scale.

**The Parliamentary Under-Secretary of State for Women and Equalities (Jo Swinson):** I shall talk about the proposed new clauses in turn. New clause 18 seeks to address the ongoing and long-standing problem of data sharing between professionals, and the hon. Member for Washington and Sunderland West is right to highlight that.

In recent years there have been attempts at national level to improve that information sharing, including through specific work in early years services. The lingering issues are more about the institutional and professional practice and culture, rather than national regulation. The current legislation and guidance is absolutely clear that information can be shared if there are agreed local processes designed to meet specific legal requirements about confidentiality, consent and security of information.

There are examples of good practice in local areas such as Lancashire, Leeds and Warwickshire that have set up robust information-sharing agreements and protocols. However, we continue to hear from those working in the foundation years that information sharing remains a problem in some, but not all, areas. Health, education and social care services often struggle to set up local information-sharing protocols and data-sharing agreements within and between those services.

It is in that context that my hon. Friend the Member for Guildford, the Whip, and my hon. Friend the Member for Brent Central (Sarah Teather), in their roles as Health and Education Ministers at the time, asked Jean Gross, the former Communication Champion for Children and Young People, to look closely at the issues of information sharing in the foundation years through a short-life task and finish group.

That group was asked to consider how best to promote exemplars of information-sharing practices, identify any ongoing barriers that different local partners experience to information sharing, and make recommendations about how barriers to information sharing might be overcome in the early years.

I understand that that report was recently submitted to the Ministers responsible for child care and for children's health who are currently considering the recommendations. I will ensure they are aware of this debate, and we might be able to come back with further information on Report.

Given how complex the issues are, they need that full and due consideration to get them right. Given we have that report waiting to be considered and there is a strong Government commitment to ensure that data sharing is effective, I do not believe that the proposed new clause is the best way to tackle the matter, although it is an excellent way to highlight it. I hope I have provided reassurance that the Government are seeking to address the issue.

On new clause 40, I want to reassure hon. Members that the Government believe that Sure Start remains an important service for children and families in all areas. Just this week, the Government have published new revised Sure Start children's centres statutory guidance that reminds local authorities of the importance of keeping up to date the information about children's centre on the database. We are clear that they want children's centres to maintain their presence in communities by acting as hubs for people to access key services to support and improve outcomes for young children and families, but with a greater focus on families who most need support.

**Andy Sawford:** Reluctant though I am to break the constructive tone of our last days of debate, I would have more confidence in the Minister's assurances about how much the Government value Sure Start had they not closed 401 of them in the past three years. I hear her remarks in that context.

**Jo Swinson:** New clause 40 relates to the requirements for the publication of data, which, as I will explain, are already freely available. The hon. Gentleman makes a separate point about Sure Start centres. I do not want to stray too far from the new clause, Mr Havard, but although we clearly live in a situation of great economic difficulty, we are still ensuring that a range of measures prioritise money going to people, particularly lower-income families—for example, through the pupil premium and the extension of early years education for the most hard-pressed 40% of two-year-olds. Decisions about local funding must rightly be made by local government, and there is that accountability through the democratic process so that members of communities can hold their individual councillors to account for their decisions.

The new clause would require local authorities regularly to submit data on the number of children's centres and information about their budgetary arrangements and opening hours. However, they are already asked to input that information on the Department for Education Sure Start On database, as and when changes occur; for example, when centres have merged. Information from the database is uploaded to the Government's website—gov.uk—daily, which enables the public to see a list of all the children's centres in their area and in England, as well as the total number of centres in England. It also provides contact details for each centre should people wish to find out more. Formally to require local authorities to submit such information to the Secretary of State would be an unnecessary burden and would duplicate what happens already.

Local accountability is already in place and the data are already published, so new clause 40 would simply put a costly and undue burden on authorities' time and money that would be better spent on the front line to make a difference for children and families. In that spirit, I hope that the hon. Member for Washington and Sunderland West will not pursue the new clause.

Several hon. Members have spoken about new clause 56, which seeks to commission an independent study and pilot scheme to trial the registration of births at children's centres. As hon. Members know, local authorities can already make children's centres a place at which parents can register the birth of their child. Some currently do so—the hon. Member for Manchester Central told us about the progress made by Manchester city council—and we absolutely support that. It can help to raise awareness about the important services available to parents through children's centres.

*[Jo Swinson]*

Although the Births and Deaths Registration Act 1953 provides for every childbirth to be placed in a register kept for the sub-district in which a child is born, it does not stipulate where the actual registration has to take place, so local authorities already use a range of places, such as town halls, hospitals and libraries, in addition to the local registry office. Places such as Manchester have already made arrangements for registrars to attend children's centres. We welcome that approach and encourage other authorities to consider it. Children's centres can provide a welcoming environment for many families in need of extra support. They are much valued, and many families have benefited significantly from that help.

The registration of births in children's centres might be an effective means of alerting new parents to the services available. However, the decision to take such an approach is best left to local discretion. Local authorities need to have flexibility in determining where to locate registration facilities to meet local need. For example, if a large maternity hospital opens in a local authority, parents may prefer a registrar to attend the hospital. Such decisions should be based on local need and consultation. Hon. Members may have concerns about ensuring that places are available in rural areas as locally as possible to make it easy for individuals to register births, which is another factor in play.

Places where registration is already done at children's centres have learned that significant careful consideration needs to be given to ensuring good coverage across the whole district, value for money and the security of incredibly valuable documents, such as birth certificates. We have to raise awareness of the existing opportunity for local authorities to use children's centres in that way, the resulting benefits that may accrue, and what some of the barriers and obstacles to overcome would be. We are happy to consider further how that can be best achieved, but I am not convinced that legislating to conduct pilot work and independent research, as envisaged in the new clause, is the best approach.

12.30 pm

My hon. Friend the Member for South Northamptonshire, who unfortunately cannot be here today, has been working assiduously to raise awareness. I understand that she has been meeting officials from relevant Departments and that a further meeting is planned for next month. Work is under way to establish the potential of a pilot exercise involving several local areas that are supportive and aware of the potential benefits of registering births at children's centres. I hope that that work can continue and be used to encourage local areas that are not doing this to consider whether it would be sensible for their area.

I hope, with that reassurance, that hon. Members will be happy to withdraw the new clause and to continue to work with us on these matters.

**Mrs Hodgson:** I listened carefully to the Minister's response. She said a lot of things that I was pleased to hear, not least her last statement about the progress that seems to have been made, the meetings between the hon. Member for South Northamptonshire and officials, and how we do not need legislation for the pilots to go ahead. I am encouraged to hear that they may come to fruition. The hon. Lady and I will follow them with great interest.

The Minister also talked about still allowing for local discretion—the whole localism agenda. In previous debates, her predecessor always told me that the reason why we could not go down this road was that it had to be left up to local authorities and local areas to make those decisions, but I always encouraged her to give strong central Government guidance. That could still be given, while allowing local authorities and areas to deliver it how they saw fit. I still feel the same way: strong guidance can go out from central Government and local areas can still have some level of local discretion. However, with the assurances that the Minister has given, I beg to ask leave to withdraw the clause.

*Clause, by leave, withdrawn.*

## New Clause 25

### Children and young people temporarily unable to attend mainstream school

'(1) This section applies where a child or young person of compulsory school age is unable to attend school for a period of between one and twenty four months.

(2) The local authority responsible for a child or young person for whom subsection (1) applies must ensure that appropriate educational provision is available and provided to the child or young person concerned, and that any identified health or social care needs are provided for.

(3) Regulations may specify acceptable reasons for which subsection (1) may apply, including, but not limited to—

(a) the placement of the child or young person in a certain school under section 39 of this Act is the subject of dispute;

(b) the child or young person has been withdrawn from school while an EHC Plan is being prepared;

(c) the child or young person has been withdrawn from school as a result of a diagnosed medical condition;

(d) the child or young person has been withdrawn from school, whether by the school, their parents or themselves, as a result of bullying or fear of bullying;

(e) the child or young person has been withdrawn from school as a result of a diagnosed mental condition or temporary mental instability, including phobia or trauma.

(4) In discharging their duties under this section, a local authority must—

(a) consult with the child or young person and their family;

(b) consult with the school at which the child or young person is currently enrolled, or was last enrolled at;

(c) consult with professionals from any other agency known to be in contact with the child or young person and their family in relation to the reason for which the child or young person concerned has been withdrawn from school;

(d) continue to monitor the development of the child or young person concerned;

(e) have regard to the age and prior educational outcomes of the child or young person when determining provision, and

(f) consider the suitability of internet-based educational provision.'.—*(Mrs Hodgson.)*

*Brought up, and read the First time.*

**Mrs Hodgson:** I beg to move, That the clause be read a Second time.

I have spoken several times about children and young people who miss out on chunks of their education because, for a variety of reasons, they are not able to attend school. I know that the all-party group on bullying, which is led by the noble Baroness Brinton and my hon. Friend the Member for Huddersfield (Mr Sheerman), has raised the issue with the Department since the publication of the Green Paper, but it still does not appear to have been addressed.

In its submission to the Department, the all-party group cited research conducted by NatCen, which concluded that the best estimate of the number of children absent long term from school—that is, self-excluding—as a result of severe bullying exceeds 16,000. The anti-bullying charity Red Balloon argues that more than 85% of the children who have been to one of their centres have what might be understood as a learning difficulty that has been directly caused by their experience of bullying. Those difficulties could be an inability to think, concentrate, speak logically, focus, write, calculate, conduct lucid conversations, organise themselves, play, work with others, be a team player, be empathetic, or to reflect on their behaviour. Many of those children may have had a disability or a special educational need that set them apart from others and the bullying exacerbated it, but it is more likely that they were perfectly able students before the bullying occurred.

Children who have been severely bullied often develop mental health problems and their ability and even desire to engage with their education diminishes. Other facets of their life suffer as well, with some in the worst cases unable to leave their home or even their bedroom for however long the trauma lasts.

**Caroline Nokes** (Romsey and Southampton North) (Con): Does the hon. Lady agree that in the 21st century, bullying does not take place only in school and that children may be at risk from bullies in their own bedroom? In the worst cases, they do not even feel safe at home.

**Mrs Hodgson:** The hon. Lady makes an excellent point about cyber-bullying. I have heard children say that they no longer feel safe in their own home or even their own bedroom. That point is well made.

Those children will inevitably fall behind in their studies. To negate that impact as much as possible, we must make every effort to ensure that they receive support while they are away from school, as well as address any mental health needs they may have.

Bullying is not the only reason why a child or young person may be out of school for a protracted period. Psychological problems may manifest themselves in self-exclusion for any number of causes, particularly the trauma caused by the death of a family member or being the victim of violence or abuse. There may be a problem with the school or the local authority, or even the parents. While I have been in this job, parents from around the country have e-mailed me to say that their children have not been able to attend school, either because a school has refused to host the child because of their special educational needs, or the local authority has tried to place the child in a school that the parents believe—rightly or wrongly—is inappropriate. The situation may go on and on for months and even years, during which time no provision is made for the child or young person, so they fall even further behind.

Children and young people may need to be out of school because they are receiving treatment for serious illness, such as cancer. I do a lot of work with the Teenage Cancer Trust on ticket touting—understandably, the charity wants to prevent shysters from profiting on the back of its hard work in putting on fundraising shows at the Royal Albert Hall. The Minister may want to have a word with his colleagues at the Department for Culture, Media and Sport, because it does not seem to be as moved by this as I am.

The Teenage Cancer Trust's main purpose is to advocate for teenagers with cancer, as is CLIC Sargent's, and I pay tribute to both charities for all their excellent work. Their joint briefing on the new clause highlights the fact that there are 3,600 new cancer diagnoses in children and young people every year. The number is thankfully low, but it means that schools have very little experience in helping to provide continuous education during the process of the child's arduous treatment.

A survey by the Teenage Cancer Trust with responses from more than 200 young people with cancer showed that it can be extremely obstructive to education: a large majority missed a substantial amount of their education, with the result that many found it difficult to return to education. That may be a relatively small cohort and therefore a relatively small problem, but it is a real problem. The Government have an opportunity in the Bill to give a clear commitment to work to ensure that, as far as possible, those children do not miss out on their education. During the debate on clause 69, in the context of young offenders, I referred to web-based learning, and I think that could be the answer to some of these problems, too. I hope that the Minister will meet the Nisai Virtual Academy to explore that.

Whatever the solutions are case-by-case, we must ensure that means are put in place to ensure as far as possible that we support all children, including that small cohort, to achieve their full potential. If the Minister cannot accept the new clause, I hope that he understands the reasons for it and will tell the Committee what the Government will do to ensure that the ends the new clause is designed to achieve are achieved in other ways.

**Mr Timpson:** I thank the hon. Lady for her excellent speech, and assure her that I have also given considerable thought to many of the issues that she touched on. As is often the case, as luck would have it, I met CLIC Sargent only yesterday and also spoke at the meeting of the all-party group on disability to discuss precisely these issues. They are very much in the forefront of my mind. She is right to say that we should strive for a good education for all pupils regardless of their circumstances or their setting. That is very much the driving force behind the Government's work in this area.

I got the opportunity yesterday to re-emphasise the importance that the Government attach to sending out the message that any form of bullying is completely unacceptable. We should look at every possible way to stamp it out, both working with those who already do excellent work in this area, such as Mencap and the Anti-Bullying Alliance, and learning from those who

*[Mr Timpson]*

have experienced it. Only yesterday at the all-party group meeting, there was a young man who is deaf and who told us about the bullying he suffered in mainstream education. It was only through the close working of all those who were there to support him and his family that he was able to find a setting where he was free of that bullying and start to thrive in education. I am grateful to the hon. Lady for giving us an opportunity today to highlight many of those issues.

Local authorities have a duty under section 19 of the Education Act 1996 to arrange suitable full-time education for any child who is of compulsory school age and who cannot attend school, whether because of illness, exclusion from school or any other reason. Similarly, under section 17 of the Children Act 1989, there is sufficient existing legislation to cover the provision of social care services for children with education, health and care plans, whether they are in school or unable to attend school. We have also published statutory guidance specifically about pupils who cannot attend school because of health needs. This makes it clear that good provision should be made to enable pupils to achieve educational attainment on a par with their mainstream peers, and that the specific personal, social and academic needs of pupils should be properly identified and met to help pupils overcome any barriers.

We will continue to work with the sector—the hon. Lady and I both mentioned CLIC Sargent, with whom I discussed this matter only yesterday—to ensure that statutory guidance provides the right level of advice. The feedback we have received shows that the guidance documents have been well received. I believe that this is because we have so clearly set out our high expectations for pupils with health needs. We also made clear in the Adjournment debate on support for children with cancer on 10 January, which was secured by the hon. Member for Alyn and Deeside (Mark Tami), whom I also met yesterday in connection with my meeting with CLIC Sargent and who has a personal story behind his interest in this area, that we will amend the guidance further to emphasise that the social and emotional needs of these children should also be taken into account. That is an important recognition of how these issues can affect children and manifest in many different ways.

I take this opportunity to reassure the hon. Lady that we will continue to work closely with the voluntary organisations, to which I pay tribute as she did, which have a particular interest in this area, as well as local authorities, schools and providers of alternative provision to ensure that all pupils achieve the best outcomes. I hope that on the basis the hon. Lady will not press her new clause.

**Mrs Hodgson:** I am greatly encouraged that the Minister is already cognisant of the issues that the new clause is designed to address. Notwithstanding how busy he is on this Committee, he found time to meet with a number of people only yesterday to discuss these very matters. With the assurances that he has given me and the fact that it is him—I trust him on this by this stage of the Committee—I beg to ask leave to withdraw the new clause.

*Clause, by leave, withdrawn.*

**New Clause 30**

DUTY TO ASSESS AND MEET YOUNG CARERS' NEEDS FOR CARE AND SUPPORT

'(1) Where it appears to a local authority that a child within their area may provide or be about to provide care to an adult or a child who is disabled, the authority must—

(a) assess whether the child has needs for support relating to their caring role (or is likely to have such needs in the future), and

(b) if the child is found to have such needs, set out what those needs are (or are likely to be in the future).

(2) Having carried out an assessment under subsection (1), a local authority must meet those needs for support which it considers to be necessary to meet in order to safeguard and promote the child's welfare.

(3) Having carried out an assessment under subsection (1), a local authority must also consider whether the adult is or may be eligible for assessment under the Care and Support Act 2013, and if so must ensure such an assessment is carried out unless that adult objects.

(4) Having carried out an assessment under subsection (1), a local authority must consider whether, in the case of a child who is caring for a disabled child, the child being cared for requires an assessment under the Children Act 1989 and if so shall carry out that assessment unless the person with parental responsibility for that child objects.

(5) The Secretary of State shall issue guidance in relation to the duties set out above having consulted with persons whom the Secretary of State considers to be appropriate, the said guidance to be issued under section 7 of the Local Authority Social Services Act 1970.

(6) Any service provided by an authority in the exercise of functions conferred on them under this section may be provided for the family or for any member of the child's family, and may include—

(a) services to the adult the child is providing care for to meet the adult's needs for care and support; and

(b) services to the adult to enhance their parenting capacity.

If such services are provided with a view to safeguarding and promoting the child's welfare.'.—*(Mr Buckland.)*

*Brought up, and read the First time.*

**Mr Buckland:** I beg to move, That the clause be read a Second time.

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

New clause 41—*Duty to ensure sufficient support*—

'(1) It shall be the general duty of every local authority to take steps to ensure that, so far as reasonably practicable, a range and level of services are provided sufficient to improve the wellbeing of young carers who are ordinarily resident in their area.

(2) The reference in subsection (1) to services may include those provided by institutions referred to elsewhere in this Act, as well as to those provided on a regular basis by charitable and voluntary organisations.

(3) In discharging its duty under subsection (1), a local authority must have regard to—

(a) data gathered by other agencies in exercising their duties under sections [Health bodies: duties with respect to young carers], [Schools: duties with respect to young carers] and [Further and higher education institutions: duties with respect to student carers];

(b) any guidance given from time to time by the Secretary of State.'.

New clause 42—*Duty to assess social care provision for young carers—*

'(1) In determining for the purposes of section [Duty to ensure sufficient support] whether the provision of social care support is sufficient to meet the needs of young carers, a local authority must—

(a) undertake an assessment of social care needs of disabled people and young carers in their area;

(b) undertake an assessment of the sufficiency of the supply of social care services for disabled people and young carers in their area;

(c) publish a strategy setting out the steps to ensuring sufficiency of supply of social care services for disabled people and young carers in their area; and

(d) have regard to any guidance given from time to time by the Secretary of State.

(2) In relation to paragraphs (1)(a) and (b), the Secretary of State may by regulations define the assessments of social care needs and sufficiency of supply of social care services.'.

New clause 43—*Health bodies: duties with respect to young carers—*

'(1) In exercising their general functions health bodies must—

(a) promote and safeguard the well-being of young carers;

(b) ensure that effective procedures exist to identify patients who are or are about to become carers;

(c) ensure that effective procedures exist to identify patients who it may be reasonably assumed may be receiving care from a child or young person for whom they are responsible;

(d) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and

(e) ensure that systems are in place to ensure that the relevant general medical services are rendered to their patients who are young carers, or to the young carers of their patients.

(2) In relation to paragraphs (1)(b), (c) and (d), the Secretary of State may by regulations further provide for the strategies to be developed.'.

New clause 44—*Schools: duties with respect to young carers—*

'(1) The appropriate authorities of schools must ensure that, within 12 months of the passing of this Act, they take all reasonable steps to ensure that there is in place a policy which—

(a) identifies young carers within the school; and

(b) makes arrangements for the provision within school of appropriate support to promote the well-being and improve the educational attainment of pupils who are young carers.

(2) In discharging its duty under subsection (1), where appropriate the authority must—

(a) consult with the family of the child or young person identified, or the young person themselves;

(b) involve the local authority in which the identified pupil is ordinarily resident;

(c) refer the identified pupil to additional services outside the school;

(d) have regard to any guidance given from time to time by the Secretary of State.

(3) The "appropriate authority" for a school is—

(a) in the case of a maintained school, the governing body;

(b) in the case of an Academy, the proprietor;

(c) in the case of a pupil referral unit, the management committee.'.

New clause 45—*Further and higher educational institutions: duties with respect to student carers—*

'(1) The responsible body of an institution to which this section applies must, within 12 months of the passing of this Act, identify or make arrangements to identify student carers and have a policy in place on promoting the well-being of student carers.

(2) This section applies to—

(a) a university;

(b) any other institution within the higher education sector;

(c) an institution within the further education sector.

(3) A responsible body is—

(a) in the case of an institution in paragraphs (2)(a) or (b), the governing body;

(b) in the case of a college of further education under the management of a board of management, the board of management;

(c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.

(4) In discharging its duty under subsection (1), where appropriate the authority must—

(a) consult with the family of the child or young person identified, or the young person themselves;

(b) involve the local authority in which the identified pupil is ordinarily resident;

(c) refer the identified student to additional services outside of the institution; and

(d) have regard to any guidance given from time to time by the Secretary of State.'.

New clause 46—*Interpretation—*

'In this Part—

"carer" has the same meaning as in section 1 of the Carers (Recognition and Services) Act 1995;

"young carer" means a person under 18 years of age who carries out caring tasks and assumes a level of responsibility for another person which would normally be carried out by an adult;

"student carer" means a person enrolled with an institution in the further or higher education sector who carries out caring tasks and assumes a level of responsibility for another person with a disability;

"well-being" means the state of young carers so far as relating to—

(a) physical and mental health and emotional well-being;

(b) control by them over their day-to-day lives;

(c) participation in education, training or recreation;

(d) social and economic well-being;

(e) domestic, family and personal relationships;

(f) the contribution made by them to society.

"children's services" means services that could be provided under section 17(1) of the Children Act 1989;

"community care services" has the same meaning as in section 46(3) of the National Health Service and Community Care Act 1990;

"disability" has the same meaning as in section 6 of the Equality Act 2010;

"general medical services" has the same meaning as in the National Health Service Act 2006;

"health bodies" includes—

(a) "Clinical Commissioning Groups", which has the same meaning as in section 1I of the National Health Service Act 2006;

(b) "Foundation Trusts", which has the same meaning as in section 30 of the National Health Service Act 2006;

(c) "NHS Trusts", which have the same meaning as in section 25 of the National Health Service Act 2006; and

(d) "the NHS Commissioning Board", which has the same meaning as in section 1H of the National Health Service Act 2006;

"higher education" and "further education" have the same meanings as in section 94 of the Equality Act 2010;

"local authority" means a county council, district council, London borough council, the Greater London Authority or the Common Council of the City of London;

"social care services" means any support that could be provided by a local authority in discharge of its functions under the Local Authority Social Services Act 1970 or pursuant to its powers under section 2 of the Local Government Act 2000.'.

**Mr Buckland:** It is a pleasure to serve under your chairmanship today, Mr Havard.

New clause 30, which is tabled in my name and those of my hon. Friend the Member for Mid Dorset and North Poole and the hon. Member for Manchester Central, deals with an important subject that will no doubt have reached the attention of many hon. Members: the status of young carers in our society. Young carers often do a huge amount of work for their siblings, their parents or other members of their wider family, who perhaps do not realise that these young carers are taking on incredible burdens, often at a very young age. We have all met young carers and know about them. I declare an interest in that my son is a young carer because of the disability of his sister. He gets assistance and support from his local young carers group; he is not a young carer who requires a high degree of intervention. The new clause deals with those whom we regard as young people who have to show a high degree of care and commitment to loved ones or members of their wider family.

12.45 pm

Under existing legislation, all carers, including young carers, are entitled to an assessment of their needs—needs that are separate from the needs of the person for whom they are caring—under the Carers (Recognition and Services) Act 1995 and the Carers (Equal Opportunities) Act 2004. The duty is placed on local authorities, but the assessment must be requested, and young carers must be providing or intending to provide a substantial amount of care on a regular basis. For that arrangement to work, young carers and their families have to be aware of services and willing to approach them. The draft Care and Support Bill proposes a single duty to assess adult carers when it appears that they might need support, but that is not the case for young carers, who are still required to request an assessment, or the parent has to request. The new clause would remove the requirement for young carers to have to make that request and remove the assessment threshold of a young carer having to or intending to provide a substantial amount of care on a regular basis. It will therefore create equivalence with the provision for adult carers.

The proposed measures are important because the requirement on children and young people to request an assessment often presents a barrier to them, meaning that they are not being assessed when they should be. There is a fundamental difference between young carers and adult carers that makes it inappropriate to assess young carers on the basis of their intention, ability or willingness to care. We must ensure that the likelihood is reduced of caring inappropriately or in a way that is harmful to the child or young person. The central issue, therefore, is whether such children provide a level of care that means they themselves are vulnerable, with a knock-on effect on their life chances and personal development. We have all seen young carers who put their lives on hold to help those whom they love. It is time to ensure that they are catered for fully and considered as comprehensively as possible.

The new clause will, in effect, define young carers as children in need, because the key determinant for assessment should be whether their caring responsibilities are significant. They should therefore require a formal assessment when they are unlikely or unable to have the opportunity of maintaining a reasonable standard of health or development without the provision of services; otherwise, their health or development might be significantly impaired. Let us not forget that young carers might themselves have a disability; many do. We are dealing with that category of young people with more acute need. Research shows that only a minority of young carers who are heavily involved in care should need such formal assessment and statutory support. We are talking about people who care for someone for 20 to 50 hours or more a week. This is not some catch-all new clause; it is designed to deal with the specific cohort of young people whose needs at the moment are not being addressed sufficiently. I commend the new clause to the Committee.

**Lucy Powell:** It is a pleasure to speak after the hon. Member for South Swindon and his excellent speech moving the new clause, to which I have added my name. I will not rehearse the arguments that he made so eloquently—far better than I could—but instead speak about why I am so keen to see the new clause in the Bill. First, though, I wish to put on the record the fact that the National Young Carers Coalition has done a great job in lobbying me and other hon. Members about this important issue.

I am sure that the Minister is aware of the concern on both sides of the House, and indeed in the other place, about the Government's omitting from the Bill measures to protect young carers, given that it was understood that such matters would be dealt with. As we have heard, reform is needed desperately. The current law for young carers is complex, incoherent and inconsistent and the laws on adults and children do not join up. As a result whole-family working is not possible, and under the current guidelines inappropriate caring by children is not being prevented from happening. Failure to reform the law for young carers will leave them without the rights they need and with rights that are unequal to those of adult carers.

The National Young Carers Coalition is seriously worried that the Government have not taken the necessary steps to reform and consolidate the law for young

carers, as they are about to do for adult carers. The relationship with the draft Care and Support Bill is critical, as improving the position of young carers requires changes to the law in respect of both adults and children. This Bill and the draft Bill are the best vehicles by which to implement such measures, and I urge the Minister to give the matter his consideration as the legislation proceeds through the House.

The Joint Committee on the draft Care and Support Bill, made up of hon. Members and peers from all parts of the House, calls on the Government to ensure that

"young carers do not fall between the cracks or face a higher threshold for receiving any support."

It is also concerned that an unintended consequence of the draft Bill applying only to adults will leave young carers with fewer rights than those of adults. I hope that the Minister will give his support to the new clause, or at least give us strong reassurances that he will take these matters seriously and bring forward some suggestions before Report stage.

I wish to speak briefly in support of new clause 44. During my by-election campaign, I met a group of young carers from Family Action in Manchester. They were being consulted by the charity in its "Be Bothered!" campaign to make education count for young carers about the barriers they faced to achieving their full potential at school and college. After time at home, young people spend more hours at school than anywhere else, and schools should have a key role in identifying and supporting young carers.

The main problems raised with me by those young carers included problems getting homework in on time due to caring responsibilities and absences due to having to take the person they care for to hospital or medical appointments, or because they were too concerned to leave the person they care for at home; being late was also an issue for many. Young carers said that perhaps the biggest barrier they face to being able to do well in school was lack of support and understanding among teachers. I hope that the Minister will take on board such issues and will at least commit himself to giving guidance to all schools on how best to support young carers in our education system.

**Annette Brooke:** I concur with the two previous speakers. The new clause is important, and I wish to reinforce three points. It is vital that there is equality of rights for both young and adult carers. The protection of children from unacceptable burdens is most important—I recall reading evidence about children as young as five who spent up to 40 hours a week in a caring role. In my experience, the need for whole-family assessments is so important. Everyone loses out from the dichotomy between sets of services. It would be cost-effective and emotionally caring to have something along the lines of the new clause in the Bill.

**Mrs Hodgson:** We have had a strong, important debate on the new clauses. The Minister will have been left in little doubt about the strength of feeling in all parts of the House that an opportunity will have been missed if this Bill is not used as a vehicle to improve provision for young carers. The case for new clause 30 has been well made by other hon. Members, so I will speak to new clauses 41 to 46, which stand in my name and that of my hon. Friend the Member for Wigan.

Committee members might know that I was a sponsor of the excellent private Member's Bill promoted by my hon. Friend the Member for Worsley and Eccles South (Barbara Keeley), the Social Care (Local Sufficiency) and Identification of Carers Bill, which had its Second Reading on 7 September 2012. Although we have a relatively limited audience in this Committee, it would be remiss of me not to pay tribute to my hon. Friend for her tireless work in this area for more than eight years as an MP and a decade prior to that. Her Bill was of such good quality that I judiciously borrowed from it in drawing up the new clauses. Committee members might be shocked to discover that the Bill was talked out by the usual suspects—the awkward squad on the Tory Back Benches—in a display that provides compelling evidence of the need to reform the way this House deals with private Members' Bills. My new clauses seek to put the part of my hon. Friend's Bill that is yet to be addressed by the Government back on to the table.

Caring can be extremely tough at any stage of a person's life, but for a child or a young person, it not only affects their ability to enjoy the same kind of childhood as their peers, but it can—and in many cases does—define how the rest of their life pans out. The figures are stark. Research by the BBC in 2010 suggests that there are as many as 700,000 young carers in the UK, or about one in 12 secondary school pupils. Further research shows that there are almost 300,000 carers aged between 16 and 24, more than 61,000 of whom are 16 or 17, with one in five providing more than 20 hours per week of care.

One of those 17-year-olds is my daughter's best friend, so I have first-hand knowledge of the impact that being a carer can have on a young person's life. They both did their GCSEs last year, both did very well and both want to go on to university. My daughter, like lots of young people, plans to go away to university, but her friend is considering staying in the local area, so she can fulfil her caring duties at the same time. I worry that without the provision that the new clauses would put in place, her aspirations might never be fulfilled. If she does not get the support she needs, she might start at university but find she is unable to continue. and that would be tragic. They are as talented as each other, yet one might be held back because of her responsibilities at home.

More than 220,000 young people aged between 18 and 24 perform a caring role—more than one in 20 people in that age group. That means that one in 20 of the 18 to 24-year-olds we come across is a young carer. Obviously, the demands that are made of those young people vary greatly, but I want to give an example given to me by Sunderland Carers' Centre, which does a fantastic job of supporting carers, young and old, in my constituency, as other carers' organisations do across the country. It shows the impact of caring on a children's lives, and how receiving the right support is as life-changing as assuming the caring role in the first place.

The example is of two children who went to live with their grandparents at a young age because their mother was unable to care for them. The arrangement worked well for a number of years. The children thrived at school, had plenty of friends and took part in lots of activities, but as time passed their grandparents grew older and their health and mobility suffered. They did not ask for help because they feared losing custody of their grandchildren. The children could not get out and

*[Mrs Hodgson]*

about due to the lack of transport, which left the grandparents struggling to entertain them. As things progressed, the grandparents struggled to get the children to school, especially in poor winter weather conditions, because the grandfather relied on a mobility scooter. Occasionally he could not get them there at all, which obviously affected their attendance. Even when they were at school they were often distracted because they were so worried about their grandparents' health.

Thankfully, the school eventually recognised the children as young carers, and was able to get the family the support they needed. A common assessment framework was put in place and a team was developed around the family. The children were able to take part in activities that allowed them to get out, have a normal childhood and meet other young carers.

**Lisa Nandy** (Wigan) (Lab): I support everything that my hon. Friend said. In relation to the pressure on children at school, does she share my concern about the Government's decision to change the notice period for detentions, and the impact that it might have on young carers? No-notice detentions will obviously cause them a great deal of distress, but many young carers do not disclose to their schools that they are young carers. Does my hon. Friend also share my wish to hear from the Minister about whether there has been any assessment of the impact such detentions have had since they were introduced?

1 pm

**Mrs Hodgson:** I agree with my hon. Friend, and I hope that the Minister was listening and will address her point in his response. I am sure that people will be busy getting that information to him as we speak. No-notice detentions are very worrying, especially for children who have not disclosed that they are carers. Later, for some of those very reasons, I shall come on to children who are under the radar, so my hon. Friend makes a good point, and I am grateful to her for raising that issue.

In the case that I was just talking about, while the young children were out with carers organisations, the grandparents were able to get some much-needed rest, which meant that they had more energy when the children were at home. The school transport problem was resolved, and the children now have a 100% attendance record. I have no doubt that they will still face challenges as they grow up, but now that they have been identified as carers, they should get the right support to help them to cope and, eventually, get qualifications and have careers, and have normal, fulfilling adult lives, in employment, supporting themselves.

Unfortunately, many children remain under the radar, some in even worse situations, and they will not be as lucky as those who have been identified. That is true of school-age children, but it is arguably more true of young adults in further and higher education, who have less time with tutors or teachers who would be able to spot the obvious signs. Of course, teachers and educational institutions are not alone in their ability to identify young and young adult carers, nor in the fact that they come into contact with these families regularly.

I served on the Select Committee on Children, Schools and Families with the Minister back in 2008, when we considered young carers under the banner "children under the radar." I am sure that he served on the Committee with me while that investigation was under way. He may remember that, during that inquiry, I asked why GPs in particular were not much more proactive in identifying such children, because to me it seemed common sense that a parent with a certain health condition who was not receiving support from professionals or a spouse was probably relying on their children for that support. The answer from Dr Jo Aldridge of Loughborough university was that GPs, and for that matter psychiatrists, treating those with mental health issues did not generally see such things as part of their job description. New clause 43 would make it part of their job description, just as new clauses 44 and 45 would make it part of the job descriptions of educators and staff in schools, colleges and universities. I hope that the Minister will agree that it is a necessary addition to the job descriptions of those professionals; if they do not identify young carers and ensure that they get the right support, who will?

I mentioned Sunderland Carers Centre earlier. It provides brilliant support, but only to people who have been signposted to it. The carers do not personally come into contact with children and young people on a regular basis in the same way that educators and medical professionals might. There are many similar organisations all over the country doing wonderful work to support carers, and we should pay tribute to the many staff and volunteers who provide that support. Such organisations, however, cannot tackle the problem of young carers being under the radar unless we pick up those young carers.

Obviously, being a young carer will affect a child's ability to get on at school. As was found by Family Action's "Be Bothered!" campaign, to which my hon. Friend the Member for Manchester Central referred, the problems are not limited to not having time to do homework, and absences due to having to take the cared-for person to medical appointments, or due to young carers being too concerned about the person they care for to leave them at home. Lateness is also an issue, because they may have to support the person they care for in the morning before school. Many report a lack of concentration due to anxiety or exhaustion.

However, Family Action found that the biggest barrier to young carers being able to do well in school was the lack of support and understanding among teachers, a deficit that teachers themselves have acknowledged. It is perhaps understandable; after all, many people probably have no conception of what it would be like to be a child in that situation. As there is not a specific duty on schools to identify and support these children, many teachers have not had training to enable them to provide that support. When we debated the Social Care (Local Sufficiency) and Identification of Carers Bill in September, the Minister of State, Department of Health, the hon. Member for North Norfolk (Norman Lamb), who has responsibility for care services—he had only been in post for four days, so was perhaps not in the best position to make commitments—explicitly said:

"earlier this week the Department for Education published draft legislation on the reform of provision for children and young people with special educational needs".

He was referring to this Bill. He continued:

"That will also present an opportunity to consider how we might improve the identification of and support for young carers."—[*Official Report*, 7 September 2013; Vol. 549, c. 546.]

Here we are, nearing the end of the Commons scrutiny of this Bill, and it has nothing in it to provide any support to these young people. Even if the Minister cannot adopt my new clauses, or new clause 30, which was tabled by Members from all three parties, I implore him to make good on the very specific commitment made by his colleague during that debate. I would like him to promise us that Government new clauses ensuring that we identify and support all children and young people who face caring responsibilities will be forthcoming before this Bill reaches the statute book.

**Mr Timpson:** I thank all members of the Committee who have taken the time and interest to involve themselves in these new clauses. There is a danger of me disclosing my whole diary for the past few weeks, but last week I met a group of young carers from Sheffield, who shared with me the impact that being a young carer has on their lives. There is, in many ways, a hidden army of young carers out there, who are often unnoticed and unrewarded for the work they do. What they told me left a very strong impression on me. On 26 February, I spoke at the Children's Society young carers' festival, where I was able to talk to many young carers and learn more about life as a young carer and what it actually means, so I am fully aware of the importance of thinking very carefully about this issue. I wholeheartedly agree that the effective identification of young carers and assessment of their need for support is best achieved by social care, health and education services working together and considering the whole family's needs, as my hon. Friend the Member for Mid Dorset and North Poole quite rightly reiterated.

We have promoted this approach with local authorities for the last two years through the Prevention through Partnership programme, funded by my Department. Furthermore, the Department of Health's draft Care and Support Bill allows for the assessment of the adult with care needs to be linked to any other assessment. This will allow practitioners to consider the effects of the adult's support needs on the rest of the household, and to provide appropriate services that address the needs of the whole family. We are also working closely with the Department of Health to ensure that whole-family assessments become the norm. I want more adults to be given the support that they need to protect their children from excessive or inappropriate caring responsibilities—a point that I think was made by my hon. Friend the Member for South Swindon.

It is important to remember that young carers do have protection in legislation. There is a general duty on local authorities under section 17 of the Children Act 1989

"to safeguard and promote the welfare of children within their area who are in need",

which may include young carers,

"by providing a range and level of services appropriate to those children's needs".

Case law shows that this includes an implicit duty to assess the needs of any child who appears to be in need. In certain circumstances, young carers can also request an assessment of their ability to provide care under the Carers (Recognition and Services) Act 1995, and the Carers and Disabled Children Act 2000, to which my hon. Friend the Member for South Swindon alluded. These Acts cover both adult and young carers, but the draft Care and Support Bill is expected to repeal both of them in so far as they apply to adults. However, young carers will continue to benefit from this protection, in addition to their rights as a child in need.

Using legislation to turn existing rights into new duties on local authorities will impose new burdens on local authorities in a tight fiscal environment. I want to look at how we can be more creative and smarter at improving support for young carers by improving local delivery. I am not yet convinced that changing the legislative framework covering young carers is the best way to achieve that aim. However, I want to make it clear to the Committee that I do not have a closed mind on this issue, and will reflect carefully on the arguments put forward by hon. Members today. I will also reflect on the evidence I have received from the National Young Carers Coalition, which has been extremely constructive in its engagement with hon. Members across the House; the hon. Member for Manchester Central referred to it, too.

We will continue those discussions as the Bill moves forward. I look forward to seeing whether there is more that we can do to take us beyond the position that we have reached. Given that I shall reflect on the issue, that I can reassure the hon. Member for Wigan that schools should give proper consideration to pupils' circumstances before insisting that a detention is served on the same day, and that I will honour what I said about writing to her with the information that she requested about the impact of the provision, I urge hon. Members to withdraw their amendments.

**Mr Buckland:** I am extremely grateful to my hon. Friend. I carefully note the phrase that he used: he said he has "an open mind". I have met him on a number of occasions about this and other matters, and I thank him for the approach he has taken on this Committee. It has been extremely considered and welcome. It enhances not only the work that we have done, but the reputation of the whole Commons Bill Committee system.

I thank the National Young Carers Coalition for its constructive approach to the issue, and young carers in my constituency in Swindon, with whom I meet regularly and engage. Although my hon. Friend is right to say that there are existing statutory duties, he understands that the objective of all of us must be to reach out to that cohort of young people who are not yet supported or having their needs addressed, and who may well have to provide acute levels of care. However, in the spirit of my hon. Friend's open-mindedness, I am prepared to withdraw my new clause. I look forward to further engagement on this most important topic.

**Mrs Hodgson:** I listened with great interest to what the Minister said, and I am pleased that he has somehow managed to fit even more meetings into his busy schedule.

**The Chair:** Did he tell you about the meeting he had with me in the corridor yesterday? He has been a busy man.

**Mrs Hodgson:** He is a very busy man. I am pleased that the Minister has met some young carer organisations and could hear at first hand from young carers about their situation. I was pleased to hear him say that whole-family assessments will become the norm. That will definitely help in assessing families' needs, with regard to the person being cared for and the person doing the caring. I was interested when he said that young carers could request an assessment, but in reality, when would a child ever do that? I raised the issue of children who are under the radar, who will not disclose anything and do not want to be found out; there are even parents who say to their children, "You must not tell anybody about our family circumstances," because they are afraid that when the circumstances are brought to the attention of the authorities, they will be deemed unsatisfactory, and the children will be taken into care, leaving the parents without their carer.

That applies to the point raised by my hon. Friend the Member for Wigan about no-notice detention. If teachers do not know who these children are, they cannot even give them a dispensation, and make sure that they take a letter home and have the detention the next day. Does the Minister have any figures on the number of young carers who have requested an assessment, as opposed to being identified as a young carer?

The Minister can probably guess from what I have said that I want to be convinced that he will address the issue, but I am still apprehensive and nervous about not putting something to deal with the problem on the statute book—something like the clauses that hon. Members and I have tabled. I urge the Minister in the strongest possible terms to look at the matter and consider bringing forward a measure in the Bill. We will certainly look for that on Report, and I am sure that Labour Members in the other place will do so as well. I leave him with that strong encouragement from me and other hon. Members; we will look for some movement on this. That said, I am happy to withdraw my new clause.

*Clause, by leave, withdrawn.*

1.15 pm

## New Clause 38

STAFF TO CHILD RATIOS: OFSTED-REGISTERED CHILDMINDER SETTINGS

'(1) This section applies to Ofsted-registered childminder settings.

(2) The ratio of staff to children under the age of eight must be no less than one to six, where—

(a) a maximum of three children may be young children;

(b) a maximum of one child is under the age of one.

(3) Any care provided by childminders for older children must not adversely affect the care of children receiving early years provision.

(4) If a childminder can demonstrate to parents, carers and inspectors, that the individual needs of all the children are being met, then in addition to the ratio set out in subsection (2), they may also care for—

(a) babies who are siblings of the children referred to in subsection (2), or

(b) their own baby.

(5) If children aged between four and five years only attend the childminding setting outside of normal school hours or the normal school term time, they may be cared for at the same time as three other young children, provided that at no time does the ratio of staff to children under the age of eight exceed one to six.

(6) If a childminder employs an assistant or works with another childminder, each childminder or assistant may care for the number of children permitted by the ratios specified in subsections (2), (4) and (5).

(7) Children may only be left in the sole care of a childminder's assistant for two hours in a single day.

(8) Childminders must obtain the permission of a child's parents or carers before that child can be left in the sole care of a childminder's assistant.

(9) The ratios in subsections (2), (4) and (5) apply to childminders providing overnight care, provided that the children are continuously monitored, which may be through the use of electronic equipment.

(10) For the purposes of this section a child is—

(a) a "young child" up until 1 September following his or her fifth birthday.

(b) an "older child" after the 1 September following his or her fifth birthday.'.—*(Mrs Hodgson.)*

*Brought up, and read the First time.*

*Question put,* That the clause be read a Second time.

*The Committee divided:* Ayes 6, Noes 10.

**Division No. 8]**

**AYES**

| | |
|---|---|
| Hodgson, Mrs Sharon | Powell, Lucy |
| Jones, Graham | Reed, Mr Steve |
| Nandy, Lisa | Sawford, Andy |

**NOES**

| | |
|---|---|
| Barwell, Gavin | Milton, Anne |
| Brooke, Annette | Nokes, Caroline |
| Buckland, Mr Robert | Skidmore, Chris |
| Elphicke, Charlie | Swinson, Jo |
| Lee, Jessica | Timpson, Mr Edward |

*Question accordingly negatived.*

## New Clause 39

STAFF TO CHILD RATIOS: OFSTED-REGISTERED NON-DOMESTIC CHILDMINDER

'(1) This section applies to Ofsted-registered, non-domestic childcare settings.

(2) For children aged under two—

(a) the ratio of staff to children must be no less than one to three;

(b) at least one member of staff must hold a full and relevant level 3 qualification, and must be suitably experienced in working with children under two;

(c) at least half of all other members of staff must hold a full and relevant level 2 qualification;

(d) at least half of all members of staff must have received training in care for babies; and

(e) where there is a dedicated area solely for children under two years old, the member of staff in charge of that area must, in the judgement of their employer, have suitable experience of working with children under two years old.

(3) For children between the ages of two and three—

(a) the ratio of staff to children must be no less than one to four;

(b) at least one member of staff must hold a full and relevant level 3 qualification; and

(c) at least half of all other members of staff must hold a full and relevant level 2 qualification.

(4) Where there is registered early years provision, which operates between 8 am and 4 pm, and a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is working directly with the children, for children aged three and over—

(a) the ratio of staff to children must be no less than one to 13; and

(b) at least one other member of staff must hold a full and relevant level 3 qualification.

(5) Where there is registered early years provision, which operates outside the hours of 8 am and 4 pm, and between the hours of 8 am and 4 pm where a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is not working directly with the children, for children aged three and over—

(a) the ratio of staff to children must be no less than one to eight;

(b) at least one member of staff must hold a full and relevant level 3 qualification; and

(c) at least half of all other staff must hold a full and relevant level 2 qualification.

(6) In independent schools where—

(a) a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;

(b) an instructor; or

(c) a suitably qualified overseas-trained teacher is working directly with the children, for children aged three and over—

(i) for classes where the majority of children will reach the age of five or older within the school year, the ratio of staff to children must be no less than one to 30;

(ii) for all other classes the ratio of staff to children must be no less than one to 13; and

(iii) at least one other member of staff must hold a full and relevant level 3 qualification.

(7) In independent schools where there is—

(a) no member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;

(b) no instructor; or

(c) no suitably qualified overseas-trained teacher, working directly with the children, for children aged three and over—

(i) the ratio of staff to children must be no less than one to eight;

(ii) at least one member of staff must hold a full and relevant level 3 qualification; and

(iii) at least half of all other members of staff must hold a full and relevant level 2 qualification.

(8) In maintained nursery schools and nursery classes in maintained schools (except reception classes)—

(a) the ratio of staff to children must be no less than one to 13;

(b) at least one member of staff must be a school teacher as defined by subsection 122(3) [Power to prescribe pay and conditions] of the Education Act 2002 and Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003; and

(c) at least one other member of staff must hold a full and relevant level 3 qualification.

(9) The Secretary of State may make provision in statutory guidance to—

(a) define qualifications as "full and relevant"; and

(b) define "suitable experience" for those working with children under two.

(10) If HM Chief Inspector of Education is concerned about the quality of provision or the safety and well-being of children in a setting he may impose different ratios.'.—*(Mrs Hodgson.)*

*Brought up, and read the First time.*

*Question put,* That the clause be read a Second time.

*The Committee divided:* Ayes 6, Noes 10.

**Division No. 9]**

**AYES**

| | |
|---|---|
| Hodgson, Mrs Sharon | Powell, Lucy |
| Jones, Graham | Reed, Mr Steve |
| Nandy, Lisa | Sawford, Andy |

**NOES**

| | |
|---|---|
| Barwell, Gavin | Milton, Anne |
| Brooke, Annette | Nokes, Caroline |
| Buckland, Mr Robert | Skidmore, Chris |
| Elphicke, Charlie | Swinson, Jo |
| Lee, Jessica | Timpson, Mr Edward |

*Question accordingly negatived.*

## New Clause 49

INCLUSION OF CHILDREN IN EQUALITY IMPACT ASSESSMENTS

'Section 149 of the Equality Act 2010 (Public sector equality duty) is amended as follows—

"(1) In subsection (7) after "age" add ",with particular regard to children under the age of 18."

(2) After subsection (9) add—

"(10) The public sector equality duty set out in this section as it relates to children shall apply in the formulation and implementation of policy and in the formulation, promotion and implementation of legislation.".'.—*(Lisa Nandy.)*

*Brought up, and read the First time.*

**Lisa Nandy:** I beg to move, That the clause be read a Second time.

The clause would amend the Equality Act 2010, which already makes reference to age, so that particular regard would be paid to children. There has always been some concern about how joined-up, in reality, government is, and I am sure that hon. Members on both sides share my concerns about it. Joined-up government in relation to children has, for many years, been the holy grail chased by children's organisations and pressure groups.

The issue is particularly important because children have less of a voice in policy and legislation. As Maggie Atkinson, the Children's Commissioner for England, pointed out at a meeting I attended a few days ago, children do not, of course, vote. It is unusual for children to contact me proactively as a constituency MP; usually adults act on children's behalf. I know that, like me, the Minister makes an effort to get out and meet children. The Children's Commissioner and the children's rights director do a huge amount to ensure that children are represented in public policy, but they still fall through the gaps of policy and legislation far too often.

I drew the Committee's attention to some of my concerns on the subject under part 5 of the Bill, and I do not propose to repeat them, especially given the heat today. These concerns have to be seen in the context of

*[Lisa Nandy]*

recent developments in children's policy. I have been raising concerns about the priorities of the Department for Education for the last two years, including with the previous Minister with responsibility for children, with regard to the immigration and detention of children, and the Department's remit and focus on those children.

I have also raised concerns with Ministers and the Department about the shift of resources within the Department for Education. When I asked a question about this some time ago, there were twice as many staff working in the free schools section of the Department as there were in the safeguarding unit, despite everything that we have seen recently in Rochdale, Rotherham and Oxfordshire, and in so many other distressing cases of grooming children. The previous Minister with responsibility for children drew attention to that when he appeared before the Select Committee on Education, raising concerns about the downgrading of the issue in the Department. The Education Committee has also warned of the need to maintain the wider focus on children in the Department.

I say that because one of the benefits of the creation of the Department for Children, Schools and Families was that it had a much stronger presence across Government. I was in the voluntary sector at the time, working with children and young people. There were still significant problems; I do not want to miss the point that there have been problems created by other Government Departments apart from the Department for Education. There have been problems created for those children in the past, and I am sure there will continue to be in the future. However, it is important that we make sure that there are mechanisms to concentrate people's minds across Government, while they are making policies and legislation, on the impact on children, rather than them trying to pick up the pieces later.

I want to highlight two recent examples that have come to my attention of instances where not enough thought has been given to the impact on children of law and policy when decisions have been made that affect them. I have already referred to one of them: it is in the report, "Fractured Childhoods", produced recently by the charity Bail for Immigration Detainees. It highlights the situation of families who are separated by immigration detention. It talked to 53 children in 27 families and found that in all those cases, the children had been separated from one or both parents by immigration detention. Not one of those 53 children had been contacted by the UK Border Agency to ascertain their wishes and feelings about the situation that they were about to be placed in. In seven out of 10 cases in which the Border Agency was in touch with children's services in local authority departments, it took it over a year to make that contact to find out what was happening for the child.

As a consequence of their parent being in detention, those children were often in foster care. One of the foster carers, who looked after seven-year-old Hannah, said:

"At times she would sit by herself and break down and cry. When you asked her what is the matter, she says "When is my mum coming I want to go home with her."

The report is littered with similar quotes from children and their carers.

I want to highlight the case of Christine, who is profiled in the report. The UK Border Agency suggested that the existence of a child protection plan for her son had addressed the concerns for his welfare; Bail for Immigration Detainees says that this was plainly not the case. The third review of Christine's detention in a Border Agency file claimed that

"Social Services are involved with the control of the children's care and have no issues with her detention at this time."

In fact, social services had raised serious concerns about the effect Christine's detention was having on her son, Daniel, who was in an unstable care arrangement and was at risk of serious harm.

Regarding the same group of children but on a different policy, the Select Committee on Education recently warned:

"it would be outrageous if destitution were to be used as a weapon against children because of their immigration status",

and it called for a review of immigration policy on that basis.

I have raised concerns a number of times during this Committee about the way in which other Departments make decisions that either simply do not take account of children, or are not sufficiently specialised to be able to meet their needs. It is my view and that of my hon. Friend the Member for Washington and Sunderland West that building that in, so that specific regard is given to children when laws and policies that affect them are developed, would be a significant step forward for those children.

I want to mention one more example, because this concerns more than one Department. It can be of concern in any Government Department. The recent bedroom tax was introduced with no thought to children. The Minister shakes his head, but—

**Mr Timpson:** Sorry, I did not shake my head.

**Lisa Nandy:** The Minister will be as aware as I am of the devastation and extreme anxiety that the bedroom tax is causing foster parents. I know that he is aware of it, not only because he has said so publicly, but because I know that he has personally been working very hard behind the scenes to try to rectify the situation. If he had waited a moment, I would have come on to pay tribute to him for that. I raised the concern about the Department for Education not as a personal slight to him or his predecessor, or as a slight to his intentions or ability to effect change, but simply because sufficient attention is not being paid to children in the development of law and policy, and the bedroom tax is a particularly good example. It is particularly bad for children, but particularly good for the purpose of illustrating my point.

When the bedroom tax was introduced, no thought was given to the situation of foster children. They are simply invisible for the policy's purposes. I know that the Minister, on taking up his post, made it one of his priorities to talk to his colleagues about it, but what has happened as a consequence is that first we ended up with a situation in which foster carers were extremely concerned that they would not be able to continue fostering. Secondly, after his intervention, we ended up with a fund made available for foster carers. That had problems, but was seen as a step forward. Thirdly, we

had another announcement from Ministers that the policy would change again, that the fund was no longer available, and that foster children would be exempt from the policy. It then transpired that if there was more than one foster child in the family, the second child would not be exempt.

Robert Tapsfield of the Fostering Network said:

"This change has brought with it a new set of problems...There is already a shortage of foster families for groups of brothers and sisters, this anomaly is just going to make matters worse...We urge the Government to reconsider and exempt all fostered children's bedrooms from an unnecessary and unfair financial penalty."

We have an urgent shortage of foster carers in this country, and that has a real impact on foster children. We should not be making the situation worse. Over the past few months, foster parents have been caused extreme anxiety as a direct result of the fact that those children were simply not considered in the first instance. If they had been considered, and had the Minister been in post at the time, and knowing his predecessor as well, I expect that those concerns would have been flagged up, if they had been consulted, and that those changes would have been built into the system from the beginning.

It is extremely important that thought is given at all times to children when decisions that affect them are taken, and that they are held in mind when policy that may have an impact on them is developed. Proactive thought must be given to their safety and welfare. We are extremely concerned that that has not always been the case, and is less likely to be the case at the moment, when huge changes are being made in many Government Departments, including the Department of Health, the Ministry of Justice in relation to legal aid, the Home Office and others. We want more safeguards built into the system to ensure that, when policy and law relating to children is developed, thought is given to the impact that it will have on them.

**Mr Timpson:** I recognise that the hon. Lady's contribution reflects the issues she has raised throughout the Bill. She has taken the opportunity to bring them all together under the clause, so that we can revisit them, as I am sure we will in future. Bearing in mind the overarching principle of trying to support and improve the rights and lives of children, particularly the most vulnerable, her claim that we do not care about children was an odd accusation to make against this Government, and I have to disappoint her. Through the Bill, which we have debated for 10 days in Committee, we are supporting that principle. The whole purpose of the Bill is to enhance the rights and protections of children, particularly the most vulnerable. The fact that we have reached consensus on many aspects of the Bill suggests we have more in common than her contribution suggested.

Ensuring that children are at the centre of any decision that the Government make is extremely important. My role in the Government is to ensure that that happens, under my remit. We could get into a debate about whether the previous Government thought about the impact that some of their policies, such as the abolition of the 10p tax rate, would have on children. We could both make the case that the impact on children of aspects of policies brought in by both Governments was not given full consideration.

1.31 pm

*Sitting suspended for a Division in the House.*

1.46 pm

*On resuming—*

**Mr Timpson:** Now that we have managed to have a break from the heat in this room, I will set a slightly more conciliatory tone by reminding the Committee that the Government have made a commitment to Parliament that they will have due regard to children's rights when making new policy. We are doing just that. I hope that Committee members will feel that the work that we have done in preparation for the Bill is a good example of it happening in practice.

As we know, age significantly influences how public authorities should engage with children, the services that they require and the level of personal responsibility and freedom that they should be afforded. That is not generally true of adults. The new clause is not necessary, as the law already protects under-18s, like adults, from discrimination, harassment, victimisation and other prohibited conduct under the law on the grounds of race, disability, gender, religion or belief, sexual orientation and gender reassignment. Those are the key discrimination issues faced by children as well as others. As it currently applies, the public sector equality duty requires public authorities to have due regard to the need to advance equality of opportunity and foster good relations regarding the protected characteristics of age. Existing legislation provides equality protection for under-18s in the most appropriate way.

I am sure that we will return to many of these issues as the Bill continues on its journey, as well as outside the auspices of this room, but I reiterate to the hon. Lady my commitment, which she has been kind enough to flag up to the Committee, to ensuring that children are at the heart of thinking across Government. That remains my continued focus, and I am sure that it is a theme that we will discuss as matters progress. On the basis of the reassurance that I have given her about existing legislation and how it interacts with the clarification that she seeks on the new clause, I hope that she will withdraw her new clause.

**Lisa Nandy:** I am grateful to the Minister for some of those reassurances. I expect that we will return to some of these issues as the Bill progresses, as well as outside the debate on the Bill. On that basis, I beg to ask leave to withdraw the new clause.

*Clause, by leave, withdrawn.*

### New Clause 54

EXTENSION OF EMERGENCY LEAVE ENTITLEMENT TO GRANDPARENTS

'In section 57A(3) of the Employment Rights Act 1996 insert after (d)—

"(e) a grandchild.".'.—*(Lisa Nandy.)*

*Brought up, and read the First time.*

**Lisa Nandy:** I beg to move, That the clause be read a Second time.

**The Chair:** With this it will be convenient to discuss new clause 55—*Adjustment leave*—

'(1) A qualifying employee who satisfies prescribed conditions may be absent from work at any time during an adjustment leave period.

*[The Chair]*

(2) An adjustment leave period is a period calculated with regulations made by the Secretary of State.

(3) The regulations under subsection (2) shall include provision for determining the extent of an employee's entitlement to leave under this section but shall secure that where an employee is entitled to leave under this section he is entitled to at least six weeks' leave.

(4) An employee who exercises his rights under subsection (1)—

(a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,

(b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and

(c) is entitled to return from leave to a job of a prescribed kind;.

(5) For the purposes of this section, an employee is a qualifying employee if—

(a) he is the parent or carer of a disabled child or adult and his purpose for applying for adjustment leave is to secure a temporary period of absence to deal with a period of illness or diagnosis of disability of the cared-for child or adult; or

(b) he is the bereaved parent of a child under the age of 18 and his purpose in applying for adjustment leave is to secure a temporary period of absence to deal with funeral and other arrangements due to the death of his child.'.

**Lisa Nandy:** The purpose of new clause 54 is to enable a grandparent to take a reasonable amount of time off work to provide care when a grandchild is ill or to deal with unexpected events at school such as school closures due to poor weather, which occurred recently in many parts of the country, including in my constituency.

At the moment, emergency leave provisions to deal with family emergencies are available to parents, and employers must enable them to take a few days' unpaid leave—typically up to three days—to make arrangements for the provision of care. Current legislation does not make it clear whether that entitlement is also available to grandparents where they are relied on to provide child care for grandchildren.

The new clause would give families the flexibility to make their own decisions about how best to deal with family emergencies and, for example, to enable the impact of family emergencies, such as a child's illness, to be spread across the wider family. Some families would prefer a working grandparent to take the time off to provide care when a child is ill or a school is unexpectedly closed. The new clause would help parents to balance work and their caring responsibilities and relieve the pressure on families that arises when children are ill. It would be of particular value to younger families where the grandparents are more likely still to be in work and are unavailable to provide help in a family emergency and make it easier for parents—and mothers, especially—to work.

Currently, one in four working families depend on grandparents to provide child care. I take the opportunity to pay tribute to the work that grandparents do in caring for their grandchildren. However, I recognise that words alone are not enough. Grandparents who are working are more likely than those who are retired to look after their grandchildren, reflecting the fact that working grandparents and their grandchildren are generally younger: 70% of working grandparents say they look after their grandchildren and 29% of grandparents are working.

Half of grandparents with grandchildren under the age of 16 are of working age. As the retirement age, especially for women, is delayed, increasing numbers of them will be in the work force. At the moment, much of the child care is provided by grandmothers aged between 55 and 65 who are no longer working. An ageing population means that our work force is becoming older and there is an expectation for people to stay longer in employment in order to grow our economy and to fund pensions, social care and other provisions in later life.

It will also become increasingly important that grandparents, especially grandmothers, are able to combine work and informal caring responsibilities. Employers will need to retain experienced older workers through offering flexibility. The simple provision of extending emergency leave entitlement to grandparents when children are ill or schools are closed will make it easier for all members of the family, parents and grandparents, to reconcile caring with employment. As such, it fits with much of the thrust of the measures in the Bill that we warmly welcome.

We believe the impact on employers overall will be minimal as the amendment will have the effect of spreading across different employers the impact of employees' absence due to a family emergency, rather than one employer, typically the mother's, experiencing the full impact. In Denmark for example, it is customary when a child is ill for the mother to take the first day off work, the father the second, and a grandparent the third, if needed.

We discussed earlier in the Bill the impact that the burden of caring responsibilities has on women and the extreme discrimination that women continue to face in the workplace. I know the Parliamentary Under-Secretary of State for Business, Innovation and Skills feels as strongly about that as I do. We think the amendment could play a significant part in helping to distribute that burden and, therefore, break down some of that discrimination that women already face.

Proposed new clause 55 would introduce a new form of leave to allow temporary absence from work during a time of crisis, diagnosis of disability or for parents when a child under the age of 18 tragically dies. A new form of adjustment leave is needed to help families in crisis stay in work.

The organisation Working Families recently surveyed 1,000 parents of disabled children and found alarmingly high levels of unemployment and underemployment: 27% of respondents were not in paid work and over 80% of those had given up work to care for their disabled child.

The lack of time to adjust to the needs of a disabled child may be unnecessarily pushing parents out of work. Disability diagnosis does not necessarily happen during maternity or first-year leave. Many disabilities only become apparent as the child grows up, or may emerge as the result of an illness or accident. Parents in work need more support through what may be a family crisis.

When a child is being diagnosed as disabled, or when an employee becomes a carer overnight, the parent may consider giving up work, and many health, care and education professions expect parents to do so. Parents also report that some employers are unreasonable in the amount of unpaid leave that they are prepared to offer and interpret the current guidance as setting a maximum of two or three days. As a result, some parents leave the work force entirely.

However, if they give up, it is very difficult to return to the labour market later. In the Working Families' survey over 90% of parents of disabled children who were out of work wanted to return to employment but over half had been out of work for at least six years. A recent report by Carers UK and Employers for Carers found 2.3 million adults have given up work to care for an elderly parent or disabled or seriously ill loved one, and almost 3 million had reduced their working hours.

Flexible hours, over the longer term, are clearly a useful option and we warmly welcome the extension of the right to request flexible working to all employees. However, a new form of leave is needed to address the immediate demands on parents and carers who need to attend numerous hospital or other appointments during a period of diagnosis or crisis. Many carers have little or no warning of the demands that are placed on them when an elderly parent falls ill or a partner is diagnosed with cancer.

A flexible working request can take several months to complete, notwithstanding the Minister's reassurance that most will not. The point is that it can, and it results in a permanent change to the contract. It might not be clear to a parent or carer what kind of flexibility they need over the long term because so much depends on the outcome of the diagnosis and the kind of care plan or educational support that they put in place. Unpaid parental leave is available only to those who have been with their employer for at least a year. It has to be requested within a 21-day notice period, and it is usually only available for a maximum of four weeks in a year. Carers do not even have access to the equivalent of unpaid parental leave.

Adjustment leave might also support parents who have suffered the death of a child under the age of 18. That group currently has no statutory leave beyond the short-term time off for dependants. In the immediate aftermath of a child's death, parents have to cope with not only their own loss and the grief of their wider family, including any other children, but with a vast number of administrative and other arrangements. A sudden, or accidental, death might require a post-mortem or inquest. There is a funeral to arrange, and many other organisations to contact, from schools to benefit offices. Although there is no set amount of time for unpaid time off for dependants, the advice on gov.uk suggests that, in most cases, one or two days should be enough.

I would like to think that most people who find themselves in that awful situation have employers who are considerate and compassionate in responding to their needs. Sadly, we know that that is not always the case. Recently, a friend of mine who lost a parent in similar circumstances faced an unsympathetic employer. There is no guarantee for parents who find themselves in that situation that their employer will be compassionate.

Parents of disabled children report that the ability to work reduced and flexible hours for a couple of months is sufficient to enable them to put care arrangements in place and determine a realistic, long-term pattern of work. There would clearly be costs to employers, but the number of parents who are entitled to this new leave is small. We believe that there is also a strong business case for compassion. A recently bereaved parent is unlikely to perform at his or her best. Offering parents time to recover from their traumatic experience enables good employees to be retained in the workplace. In the long term, the cost of adjustment leave would be outweighed by the economic and social gains of keeping parents and carers in work and out of poverty. I therefore urge the Ministers to strongly consider accepting the new clauses.

**Jo Swinson:** I will first consider new clause 54, which seeks to extend to grandparents the right to time off for dependants. I recognise the important issues that the hon. Member for Wigan raised. I also recognise the vitally important role that grandparents play, not just in caring for children but in their development. They are part of the support network that is of huge benefit to new parents in particular, who have to deal with the challenges that parenthood brings.

The right to time off for dependants enables employees to take reasonable time off work to care or make arrangements for a dependant in an emergency. The definition of dependant in legislation is deliberately broad, and in many cases grandparents already qualify for leave. That is the case if the child lives in the same household as the grandparent, or if the child relies on the grandparent to care for them all or some of the time. Even if the grandparent only cares for the child on a Tuesday afternoon and picks them up from nursery, they qualify. Therefore, it is not necessary to include a specific provision for grandparents in the Bill. I am concerned that if we make it explicit, the list might be seen as exhaustive. We want to make sure that other relatives or carers can step in. Some parents are fortunate and have grandparents near by; others are not in that position and rely on family friends, aunts, uncles or other carers. We want to ensure that whoever has the care responsibility for the child is able to use the time off for dependants.

New clause 55 would introduce a new employment right for adjustment leave to enable the parent or carer of a disabled person time off work if they fell ill or received a diagnosis of disability. It would enable a bereaved parent to take time off to make arrangements following the death of a child under the age of 18. I am sure that we are all incredibly sympathetic with such horrendous circumstances. No parents should have to bury their child in any circumstances. It is not natural, but if such an appalling situation arose, most employers would want to act with a huge degree of compassion.

2 pm

Equally, a diagnosis of disability can be a huge shock for a family, and take a significant time to work out how to deal with daily matters in life. Things will often be up in the air; there will be uncertainty about medical appointments and their outcomes. However, other types of leave are in place that meet the needs of many

parents and carers. Time off for dependants, which I have outlined, enables parents and carers to take reasonable time off. It would include time off for parents to make arrangements, following the death of a child.

I take on board what the hon. Lady said about the one to two days referred to on the website, and I am certainly happy to look at that advice. I think that it entirely depends on the emergency. In situations when a child breaks an arm, that is about going to A and E and getting it sorted, and I imagine that a day or two is probably sufficient time in which to put other arrangements in place, but other circumstances might require a longer time. Obviously each set of circumstances would be individual, as should be the response.

An adult with parental responsibility for a child under the age of five or a disabled child up to the age of 18 will also be entitled to take up to 18 weeks of unpaid parental leave to care for their child. Along with the changes under the Bill to introduce shared parental leave in 2015, we are increasing the age limit of all children whose parents qualify for that leave from five to 18 years. It is not only more straightforward and simple; it means 18 weeks' leave for every child up to the age of 18 years. If anything, that makes the issue less of a burden on business because the amount of time that may be taken is spread out.

The change also recognises the huge number of reasons why parents might want to take unpaid parental leave. Issues might happen between ages zero to five, but there might be a range of other issues that are medical or emotional; there could be developmental problems when teenagers have difficult times settling into secondary schools or taking exams. There is a range of reasons why parents might want to take such leave, and we believe that that maximum flexibility is a helpful change. It will also enable many families whose children are diagnosed with a disability when aged more than five years to take time to adjust.

The extension of the right to request flexible working will also bring significant benefits for families and friends of disabled people and for disabled people themselves. We encourage trial periods of that change. I accept what the hon. Lady said about the unpredictability of such matters, and that they might change, so I hope that, with those reassurances, the hon. Lady will be happy to withdraw the motion because relevant mechanisms are already in place. However, I shall consider the particular issue of guidance from one to two days.

**Lisa Nandy:** I am grateful to the Minister for her constructive approach and for clarifying the position of grandparents who already care for children some or all of the time. I take her point about the other relatives and wider support networks that we might wish to consider, and I hope that we shall continue to debate the matter and discuss how we can support care arrangements for families in the widest possible sense, including grandparents but, obviously, as the hon. Lady said, not limited to them. I am also grateful to her for taking on the existing concerns about guidance. Notwithstanding the fact that I still have several worries, which no doubt she shares, given her helpful reassurances, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

**New Clause 57**

BREASTFEEDING AT WORK

'(1) ACAS shall produce guidance that provides employers with information on the role of women who wish to breastfeed their babies at work.

(2) The guidance shall include—

(a) the amount of time it would be reasonable to allow mothers to breastfeed at work;

(b) information on the provision of facilities to do so;

(c) information on dealing with requests to do so in the workplace; and

(d) information on how to make it easier for women to return to the workplace should they wish to breastfeed at work.'.—*(Lucy Powell.)*

*Brought up, and read the First time.*

**Lucy Powell:** I beg to move, That the clause be read a Second time.

As it is the last time I will rise to speak on this Bill in Committee, it would be remiss of me not to mention, yet again, my status. I wanted to reassure the Committee that my bringing forward this new clause is not a declaration of interest on my part. We have quite good breastfeeding facilities here in the House of Commons, notwithstanding that we are not allowed to breastfeed in Bill Committees or in the Chamber. Otherwise we are quite well catered for.

The new clause is supported by Maternity Action which is leading a "Valuing Maternity" campaign. Its purpose is to probe the Minister and the Government on whether they are prepared to go a little further on this, not least because breastfeeding is an important issue in itself, but in the context of the Bill and our debate about enabling mothers to share their maternity leave with their partner, breastfeeding and their ability to continue breastfeeding, expressing or whatever, is critical to their ability to make that decision about returning to work.

By way of background, statutory protection for breastfeeding on return to work is in place in at least 92 countries including the United States. The US requires employers to provide "reasonable" breastfeeding breaks and suitable facilities. The US introduced the right to breastfeed at work in very difficult economic circumstances in 2010, citing a number of business advantages, including higher staff retention rates and reduced time off for parents at later stages of a child's life; early return to work by mothers; higher productivity and loyalty; and positive PR for the business.

The UK has no such right to breastfeed on return to work. The new clause does not go that far either, as many campaigners would like, but is a probing amendment to tease out the Government's thinking on this issue. The organisations that have lobbied me in particular about this Bill feel strongly that clarity on breastfeeding at work is important to protect women seeking to combine work and breastfeeding. It is complementary to the shared parental leave aims of the Bill. Looking at how we can enable women to breastfeed at work will be the complementary and holistic approach that is required to bring about the culture change that we have talked about.

ACAS guidance would provide employers and breastfeeding women with a common understanding of their obligations and entitlement. Using ACAS in this

way has been done previously with guidance on redundancy and maternity developed by ACAS and the Equality and Human Rights Commission. This discussion was chaired by Maternity Action which is funded by the Department of Health to promote breastfeeding on return to work. Perhaps it is a model the Minister could consider following. I appreciate that she may not want this proposal in the Bill but I thought it was important to table it as a new clause so that we could explore these ideas a bit further and give her the opportunity to tell the Committee a little more about her proposals on this.

**Mrs Hodgson:** I apologise for interrupting my hon. Friend and I am sorry to have missed the beginning part of her contribution. This is an extremely important and useful new clause following on from the Equality Act 2010 introduced by the previous Government. As she will probably be aware, one of the important bits of that Act was to allow women who breastfeed to do so in public anywhere where they could bottle-feed. That was a very important measure and does she agree that the new clause takes it into the next stage for women in work?

**Lucy Powell:** Absolutely. It takes those issues forward. I recognise, however, that they are controversial. I know the Minister will have been lobbied by many in the business sector who probably do not share our views about bringing this forward. However, I hope that over the coming months and years we can help bring about a different attitude in the business community towards breastfeeding. The evidence from the United States shows that statutory protection has been a positive development there for businesses signing up for the scheme. I look forward to the Minister's comments.

**Jo Swinson:** I was delighted to see the new clause on this issue, as it is something I have already been thinking about and discussing in the Department. As a Government, we desire to see rates of breastfeeding increase. We know it has significant health benefits for babies, and my colleagues in the Department of Health—I have spoken briefly about the matter to the Under-Secretary of State for Health, my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter), and will no doubt speak to him more about it—are making great strides and significant efforts to try to improve breastfeeding rates.

Given what we are introducing on shared parental leave, we anticipate that some women will want to go back to work earlier, where their partner is happy to be the main care giver; that of course means there may well be more women for whom breastfeeding at work will be a relevant issue. Rates of breastfeeding decline over the time after a baby is born, and by six months only 14% of women are exclusively breastfeeding; if people start to go back to work earlier, those rates will change. Even if it is only a small number of women who are still breastfeeding at that point, we none the less do not want a situation where, should they want to go back to work, mothers who want to contribute to the labour market have to choose between continuing to breastfeed their child and going back to work. I am therefore very much in sympathy with objectives behind the new clause.

Taking the issue forward is not without its difficulties. Some countries have introduced a statutory right to breastfeed, but of those—the hon. Member for Manchester Central mentioned the USA as an example—some have minimal maternity leave provision, which means that there will be a much higher instance of women who are still breastfeeding going back into the workplace. Thankfully, the situation in the UK is much better on that front. However, there is a concern for the business community about how burdensome any requirement would be.

It is important to try to debunk some of the myths about the issue, and I had an incredibly helpful meeting to that end with Maternity Action earlier this week. Many businesses that are already doing what would be considered best practice do not think of it such; they are simply doing what seems reasonable. For a very small employer, the issue is not necessarily one of having bespoke breastfeeding facilities so much as making some reasonable adjustments—perhaps a screen or curtain that can be put up at the back of a shop or in a particular area of an office, to provide a degree of privacy. Given the stage at which women are likely to go back to the workplace, we may not be talking about something that will happen many times a day, as the number of feeds a day could reduce as other foods are introduced once the child is four, five or six months old.

There is an educational element to this issue: we should ask what some businesses do, how they manage that and what works well—what is the good practice that we need to share? That is why I think the suggestion that ACAS provide a guide is a brilliant one. We do not need to take powers in the Bill for that to happen; we already have statutory powers to produce that kind of guidance. I am keen to work with ACAS to publish guidance for employers along those lines.

To correct something I said a moment ago, only 1% of women are exclusively breastfeeding at six months. A higher number are still breastfeeding, but with other, puréed foods on the menu, if perhaps their babies have demanded that because breastfeeding in itself is not sufficient. None the less, the argument that this issue is important still stands. Women in the workplace must be able to become mothers and still be able to contribute economically by going back to their organisations; they should not have to choose one or the other. There is perhaps less call for concern among employers; rather Government and wider society have a job to do in challenging some of the concerns that exist, to show that breastfeeding in the workplace need not be a particularly difficult issue. Best practice guidance is an excellent way of doing that.

2.15 pm

**Lucy Powell:** I thank the Minister for the fantastic reassurance that she has provided to me and the many people listening to the debate. I am sure that, like me, they will be extremely reassured by her commitment to take this issue forward.

I absolutely agree that, at its heart, this is an educational issue. It is not a burdensome request on business; it would require only simple measures that many good employers already provide, such as a fridge for expressed milk, a private space and allowing mothers an occasional short break, which is what they require at that point following their return to work.

*[Lucy Powell]*

I thank the Minister sincerely on behalf of the Opposition; we look forward to working with her to bring forward those measures in the future. On that basis, with delight, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

**New Clause 58**

CHILD PROTECTION CONCERNS AND PROTECTED DISCLOSURES UNDER THE EMPLOYMENT RIGHTS ACT 1996

'In section 43B of the Employment Rights Act 1996 (disclosures qualifying for protection), insert the following—

"(1A) In this part where a disclosure of information raises child protection concerns a "qualifying disclosure" means any disclosure of information which, in the reasonable suspicion or concern of the worker making the disclosure tends to show that a child has been abused or harmed, is being abused or harmed or is likely to be abused or harmed.".'.—*(Lisa Nandy.)*

*Brought up, and read the First time.*

**Lisa Nandy:** I beg to move, That the clause be read a Second time.

The new clause, which stands in my name and that of my hon. Friend the Member for Washington and Sunderland West, relates to greater protection for whistleblowers who disclose concerns about child abuse. The recent Savile case shocked the nation and showed the importance of adults being able to report the concerns they have about children to the authorities and organisations such as the National Society for the Prevention of Cruelty to Children. We know, however, that even if individuals have a concern about a child, often they do not take action. We share the belief of organisations such as the NSPCC that current legislation does not do enough to produce a climate in which workers are encouraged to speak up. The Children and Families Bill provides a critical opportunity to protect more children from abuse, in the wake of the biggest child protection scandal in a generation.

The new clause would ensure that individual workers who have concerns about a child are not discouraged from coming forward. The current thresholds are too high, which deters the reporting of suspicions, particularly in the workplace.

When individuals, workers or professionals have suspicions about child abuse, they do not often take action because they fear that they will not be believed or taken seriously, or that they will get themselves or the perpetrator into trouble. They also fear being victimised in the workplace, which includes being sacked. Since the Jimmy Savile case hit the headlines—he is now thought to have abused hundreds of children over a 54-year period at different locations, including several hospitals, a school and at the BBC—it has become clear that many people held suspicions about his behaviour, but, for a number of reasons, did not report them.

That reflects a wider problem, which is backed up by evidence: a recent NSPCC and YouGov poll showed that many people would wait to act on child abuse; fewer than one in five said that they would report concerns as soon as they arose. Those findings are supported by the NSPCC's own data that show that almost half the people who contacted its adult helpline waited more than a month to get in touch, while some waited much longer.

Following the Jimmy Savile case and the ensuing Operation Yewtree, the NSPCC saw an increase of 200% in calls about sexual abuse from September to October last year and from October to November it referred an additional 788 children to the police or social services in relation to all types of abuse. It says, and I agree, that that shows a huge public will to come forward and protect children, but, sadly, still too often, people do not come forward. The reasons for that are clearly complex and many, but one in particular is the shortcomings of the current legislation to protect whistleblowers. The NSPCC helpfully provided some cases from its helpline to demonstrate this. The first is a health care professional who called with concerns that a child was being neglected by their parents while in hospital and the ward staff did not report that, nor meet the child's needs in the interim. They did not want to identify themselves, because they feared there would be an impact on their employment if they did.

The second example is a caller who was a school midday supervisor concerned about the way that some staff treated children in a special school, including name-calling and rough handling. They had raised this with the school on several occasions, but said that nothing had improved, and the caller said they did not want to come forward because they were anxious about their job.

The final example is a caller who worked for a charitable organisation. He was concerned about a man who ran the young persons group within the charity. He said that the children referred to this man as "paedo" and that he would get very close to the children and touch them. The man apparently also arranged residential trips, of which the chairman of the charity was unaware. The referrer said that he had been concerned about this man's behaviour for approximately four years. He also stated that there was no whistleblowing policy in his place of work.

As I said, the problems here are complex. There is clearly a pressing need for more education and also for more organisations, including in the charitable sector which may be particularly attractive to people who want to abuse children, to have strong and robust policies in place. This clause also addresses a real problem, because the fear of coming forward is compounded by publicity surrounding cases where whistleblowers have been victimised for coming forward. In the first case that the NSPCC highlights, a paediatrician was suspended from Great Ormond Street hospital, after raising concerns about the clinic where Baby Peter Connelly was seen before his death.

In a second case, a social worker in Haringey, from 2004 to 2009, had raised concerns with the authority about the social services department and its failure to implement findings from the tragic death of Victoria Climbié and the ensuing inquiry by Lord Laming. The social worker had also written to the Department of Health, but nothing was done to address her concerns. As many members of this Committee will know, having followed that case closely, she was sacked and took Haringey to an industrial tribunal. She said that the council had victimised her, falsely accusing her of child abuse and beginning an investigation into her nine-year-old

daughter's welfare. In the end, the parties reached an out-of-court settlement in which she was paid an undisclosed sum and a silencing payment.

The reality is that someone coming forward to report suspected abuse happening within an organisation may not be protected from disciplinary action or dismissal by current whistleblowing legislation unless they can satisfy certain tests. In all cases there must be a disclosure of information, some factual information rather than a mere allegation and individuals must have what is known as a "reasonable belief" that the information they are disclosing tends to show that a child's safety or health is in danger or that a criminal offence has occurred.

Current legislation makes allowance for the fact that workers may not have the full picture, but this test is still liable to have a substantial deterrent effect on the whistleblower. This is particularly the case with child abuse, because in practice individuals rarely witness it first-hand and they are likely to base their concerns on limited information and circumstantial evidence. Even if their evidence is sufficient, they are highly likely to question whether it is strong enough to come forward. Concerns about the "reasonable belief" test have been raised before; for example at the Shipman inquiry led by Dame Janet Smith.

It is vital that individuals are not discouraged from coming forward to report concerns about child abuse. We believe that whistleblowing legislation needs to be updated to remove the current barriers, so that all workers feel able to raise concerns about the welfare of the child in the workplace, confident that they will be heard and not victimised. My proposed amendment would add a qualifying disclosure to send an unequivocal message that individuals should come forward if they have concerns about child abuse. However it is also important to recognise that, on its own, this is not sufficient because of the "reasonable belief" requirement and therefore that threshold needs to be lowered.

In the Shipman inquiry, Dame Janet Smith proposed that it should be sufficient to show a reasonable suspicion. The NSPCC strongly supports a reasonable suspicion or concern in cases where a child is suspected of being abused or harmed. As it rightly points out, a whistleblower might be sceptical of the information received, yet sufficiently concerned to believe that the matter needs to be properly investigated. I have been the shadow Minister responsible for safeguarding for just a year.

Before I was elected, I worked with children and young people in the children's sector for a long time. I do not claim to have anything like the expertise in child protection of the NSPCC, but I have a great deal of respect for them. I know from first-hand experience that the concerns raised by the NSPCC and many, many others, including the hon. Member for Stockport and many others in the House, are real. New clause 58 would do a lot to advance the situation, protect children from abuse and ensure that we intervene at an earlier opportunity. I therefore urge the Minister to accept it.

**Mr Timpson:** I thank the hon. Member for Wigan for tabling the new clause. As she set out in her well judged contribution, recent media coverage of cases where employees have been penalised for disclosing information about malpractice in organisations and incidents of unreported child abuse have, quite rightly, reignited this debate.

So, let me be absolutely clear: it is a criminal offence to harm a child, and not reporting incidents of harm to a child is wholly unacceptable. Our legislative framework has been strengthened in the last 20 years to facilitate reporting. Part 4A of the Employment Rights Act 1996 protects workers who make disclosures of such nature. Any disclosure showing that a child has been, is being, or is likely to be abused or harmed would be captured as a qualifying disclosure by section 43B(1)(a)—

"a criminal offence has been committed, is being committed or is likely to be committed"—

and section 43B(1)(d)—

"the health or safety of any individual has been, is being or is likely to be endangered".

Similarly, most public sector organisations working with children and young people are under a duty, under sections 10 and 11 of the Children Act 2004, to co-operate to improve the wellbeing of children and to safeguard and promote their welfare. Professionals in such organisations should discharge such responsibilities with due diligence to ensure that the needs of children are firmly placed at the heart of what they do.

**Mr Reed:** On that issue, sometimes, when an organisation becomes aware that there are concerns about an employee related to children, they will be asked to go quietly with some kind of non-disclosure agreement in place. Would the Minister consider that when references are provided for individuals who have been in jobs subject to Criminal Records Bureau checks, there should be a requirement for a positive affirmation that no concerns related to child protection have been raised?

**Mr Timpson:** I would be happy to look at what the hon. Gentleman has said. As I will come on to shortly, a review is under way that is looking at many such areas. It may well be that the issue he has raised should be considered as part of that review.

In England, all public bodies and organisations working with children should have a clear child protection policy that spells out how to raise concerns with local authorities' children's social care services, the NSPCC and/or the police. The statutory guidance published this year, "Working Together to Safeguard Children," clearly states:

"If at any time it is considered that the child may be a child in need as defined in the Children Act 1989, or that the child has suffered significant harm or is likely to do so, a referral should be made immediately to local authority children's social care. This referral can be made by any professional."

We know, of course, that Governments in Scotland and Wales have also issued their own guidance on child abuse reporting.

The Department for Business, Innovation and Skills is implementing a number of measures to strengthen the UK's whistleblowing protection framework through the Enterprise and Regulatory Reform Bill, which is due to achieve Royal Assent shortly. As I said to the hon. Member for Croydon North, the Government have also made a commitment to review the current provisions that apply to whistleblowers, and may consider amending the list of qualifying disclosures as part of that work. In many respects, the hon. Lady spoke for the NSPCC, and I also lend my support to the work that it does. Officials from the Department for Education met recently with the NSPCC to discuss precisely these

*[Mr Timpson]*

issues. The Department will be working closely with officials from the Department for Business, Innovation and Skills during the review period to ensure that the issues that come into both Departments are considered as part of the overall reconsideration of current legislation and practice.

I hope that I have given the hon. Lady some reassurance, so I urge her to withdraw the motion.

2.30 pm

**Lisa Nandy:** I am grateful to the Minister for what he said; he was absolutely right to make it clear that harming a child is a criminal offence. We should never forget to keep reiterating that. I am also grateful for the commitment he made to consider the point made by my hon. Friend the Member for Croydon North. I appreciate that there is an ongoing review and that it is important to get this matter right. However, I am sure the Minister shares my frustration that for far too long we have not done enough for these children. I do not make that as a party political point; it is a wider point about society collectively, not just Government. There is a unique urgency to this matter because it relates to children's lives and the most serious harm that can be done to them.

Given the Minister's commitment to children, I know he will ensure that we do what we can as quickly as possible. I am still concerned about the matter and will return to it later. With the Minister's assurances and his constructive approach, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

**New Clause 59**

ARRANGEMENTS TO SUPPORT CHILD WITNESSES

'(1) The Secretary of State shall by order introduce arrangements to establish specialist courts in cases where a child has been sexually abused or harmed, and where the child will be required to give evidence to the court, and to be examined by the court.

(2) Arrangements made by order under subsection (1) above shall include arrangements to appoint intermediaries to support child witnesses in all court cases, and other measures to support child witnesses.

(3) Orders under this section—

(a) shall be exercisable by statutory instrument; and

(b) may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.'.—*(Lisa Nandy.)*

*Brought up, and read the First time.*

**Lisa Nandy:** I beg to move, That the clause be read a Second time.

As this will be one of the last occasions on which I address the Committee, I want to take this opportunity to thank you, Mr Havard, the Clerks, all of the staff involved in making the Committee a success and the Committee members who have done so much to get us through what has at times felt like quite a long and complicated piece of legislation. It is, nevertheless, very important and we are grateful for the way in which everybody has approached the task.

The proposed new clause seeks to establish specialist courts and greater use of intermediaries. It should be seen in the context of proposed new clause 58, which also seeks to do more for a group of children who deserve a greater level of help and support than we are currently able to give. It is very difficult to overstate how concerned Opposition Members are about the matter.

Over recent months and years we have seen a number of serious cases of child grooming, mainly though not exclusively involving young girls, in areas such as Rochdale, Rotherham and Oxfordshire. There are sadly many more cases that we will see over the next months as courts finish inquiries.

I pay tribute to the hon. Member for Oxford West and Abingdon (Nicola Blackwood) who has done an enormous amount of work in the House on the matter. I quote her recent comments, with which I fully concur. She said:

"While evidence has to be properly tested in court, I have seen first hand the agony of a fragile young witness doing her best to keep it together enough to describe, to a roomful of men in wigs, the violent sexual abuse she was subjected to for most of her childhood. All too often, what follows next is aggressive cross-examination to cast the witness as a liar, a prostitute, promiscuous, asking for it, or responsible for her own abuse. "

She went on:

"It doesn't have to be like that. Specialist courts can offer wraparound support for witnesses while still delivering fairness to defendants. If the court process is less traumatising more victims will come forward, fewer investigations will collapse and more prosecutions will be successful."

As ever, the hon. Lady's comments were measured but also powerful and moving. It is difficult to hear those words without understanding the agony of young witnesses and knowing that we must do much more to support them.

**Lucy Powell:** My hon. Friend may be interested in a tragic case in my constituency of an adult who was abused as a child. Adults continue to face problems. A former pupil of Chetham's School of Music committed suicide two days after giving evidence about her abuse as a child. She was therefore not around to hear the guilty verdict on her abusers. We still have a long way to go in protecting victims of abuse in the courts and criminal justice system.

**Lisa Nandy:** I thank my hon. Friend for raising that awful case. If anything can come out of that case it must surely be that the impact on people who were abused as children is taken far, far more seriously. As she said, this impact lasts for ever in many cases. We need to do much more to support these people through the court process.

**Caroline Nokes:** I concur with absolutely everything the hon. Lady has said, and I wish to add something on this specific point. I think we all accept that children who are victims of this sort of abuse are vulnerable in themselves. Has she given any additional consideration as part of her new clause to those children who might have become victims because they have special educational needs, and to their particular vulnerability? Would she like to see the court process make even greater provision for them?

**Lisa Nandy:** I was going to come on to speak about that, although perhaps not as comprehensively as I ought to. The hon. Lady is absolutely right to highlight the fact that there are young people who go through this process who have particular vulnerabilities that are not always known or understood. One of the reasons for the way I framed the amendment was to ensure that we make much greater use of intermediaries, whose job it is to understand and communicate to the court the vulnerabilities and the circumstances of individual children who are called to go through those processes. That would have particular benefits for all children going through the process, with very real benefits for the sort of children whom she described. I am very grateful to her for raising this.

**Mr Buckland:** I have used intermediaries in cases involving adults with learning difficulties, and there is no doubt that they make a huge difference. Does the hon. Lady agree that the thrust of this new clause is for us to rethink the way in which we deal with vulnerable witnesses and children? Far too often, the court system thinks of their vulnerability as an issue of credibility, affecting their quality of their evidence, rather than the wider issue of the abuse itself and the emotional trauma that physical or sexual abuse can create. Does she agree that that is one of the purposes behind the debate she has initiated?

**Lisa Nandy:** I am grateful to the hon. Gentleman for raising that point. I was going to come on to say that some progress has been made in this area, particularly the announcement on 6 March by the Director of Public Prosecutions about what more will be done to deal with the very particular issue the hon. Gentleman rightly raises about the credibility of witnesses in cases, particularly for young witnesses. I think he is right to highlight that.

Given that I have mentioned the Director of Public Prosecutions, I take this opportunity to put on record the thanks of Opposition Members for the work he has done, as it was announced yesterday that he will stand down at the end of his current term. I had the pleasure of working with him very briefly many years ago before I came to this place, on what more can be done to protect children who have been trafficked and abused and gone through both the immigration system and then often the criminal system as well. I found him to be a man of enormous compassion and integrity, and obviously I wish him well in whatever he goes on to do.

The Jimmy Savile case, which I referred to before, and the ensuing allegations about a number of people, including some very well known, prominent people in the public eye, and Operation Yewtree, which was set up to address this, demonstrate just how many cases of suspected abuse have gone unreported for too long. When I visited the NSPCC's ChildLine recently in London they gave me a book, "Running Out Of Tears", which profiles the cases of a number of young people. I think they are now all adults, but they agreed to tell their stories for the purposes of this book to mark the ChildLine anniversary. It was one of the most difficult books I have ever read, and I say that as someone who worked in the children's sector for some time before I came into Parliament. I have seen at first hand some severe cases of abuse, but reading those brave stories of children who had been in the most awful situations was a very, very stark reminder of just how trapped young people can feel and how difficult it is if they then disclose abuse. Their own families can sometimes be either divided or turn on them, and they can end up with so little support from the sources they would normally rely on so strongly. To then be faced as well with the prospect of a court process where they are not properly supported, I think is quite simply beyond the pale.

The changes that have been made so far have been very, very welcome, especially the announcements made by the Director of Public Prosecutions on 6 March. But changes to the investigation and prosecution processes, while welcome, are not enough. Giving evidence in court about sexual abuse is surely one of the most unimaginably hard things for anyone to deal with. What it is like for a child in that situation is incredibly difficult to comprehend.

What is just as hard for me to comprehend is that although we could spare many more children this ordeal, we do not. There are a number of ways open to us, and that is what the clause is designed to address. The first is by enacting section 28 of the Youth Justice and Criminal Evidence Act 1999 to allow children's evidence to be obtained out of court and in advance of a trial. A great deal of work has been done to try to implement this section of the 1999 Act but, according to the Government, it has been delayed for practical reasons. It has been delayed for practical reasons since it was first proposed in 1989. It cannot be right, given everything we have learned in recent weeks and months, that we allow this situation to continue. As I previously said to the Minister, there is an urgency to this situation and we cannot wait to take action. As my hon. Friend the Member for Stockport and the hon. Member for Oxford West and Abingdon made clear in recent parliamentary debates on the subject, young people who are being abused cannot wait because we are not tackling the problem by getting more prosecutions through the courts.

At present, there are too few facilities for children to give evidence remotely and more are needed, but the facilities that do exist are also not widely used, as I suspect the Minister knows. The NSPCC says that 50% of courts have the ability to link remotely for evidence to be taken, but only 7% of children giving evidence do so remotely, which is clearly not good enough. The NSPCC also draws attention to the fact that, at a time when every penny matters, there is a potential cost saving to be had: at present, intermediaries, where they exist, have to spend a great deal of time waiting around in court until the child or young person gives evidence and they are called to present; if greater use was made of the provision to give evidence remotely or in advance, intermediaries could attend at a specific date and time.

The NSPCC thinks we would reap a hugely important cultural benefit from adopting these measures, and, having watched many cases go through the courts over the years, I agree. We have a very adversarial court process in this country, and while that has some benefits, the implications for children who go through the court process have troubled me for a long time. The asylum process is similar: it is based on the idea that you have to prove your claim and somebody else will refute it. The adversarial process is not at all suited to people who are alleging abuse. One of the benefits of making greater

*[Lisa Nandy]*

use of section 28 would be to ensure that legal representatives cross-questioning children would be much less aggressive in their manner. It would also prompt a host of helpful measures to accompany that, including the removal of gowns and wigs when questioning children and the use of screens to shield children from their abusers where that is appropriate,.

I talked earlier about the potential for cutting down waiting times, but it is also important to recognise that children often have to wait a long time before going through one of the most harrowing processes of their lives. I was shocked to discover that, at the Crown court, children wait on average almost six hours to give evidence, and a third have to return. I say to Committee members, who I know have a great deal of compassion for children: remember what it was like to be a child and how long every minute felt. I was constantly bored as a child—I used to drive my parents crazy looking for new things to do and new toys to play with. Remembering how long a minute felt as a child, imagine what it is like for a child to have to wait six hours outside a courtroom before they have to face their abuser. It is unacceptable that we do that to children in this day and age.

Many people who have contacted me since the new clauses were tabled have said that the way children are treated as they go through the process is, quite simply, a form of abuse in itself. I repeat: a third of those children have to return on a second day to continue giving evidence, because they run out of time in the first session. I am sure the Minister shares my belief that this is unacceptable and needs to change.

The new clause also encourages the use of intermediaries, as I said to the hon. Member for Romsey and Southampton North. It is important that we do not underestimate how bewildering court is. I find Parliament pretty bewildering, and understanding how a court works is difficult even for adults who are unfamiliar with the process, but for children and young people, it is especially difficult to understand. The NSPCC drew my attention to the fact that half the young witnesses they questioned said that they did not understand some of the questions that were asked—half the young witnesses did not fully understand the process that they were going through. That is particularly hard for teenagers, whose special needs and vulnerability are often not recognised.

2.45 pm

The NSPCC states that every child who has been abused should be offered a registered intermediary, but at present only 2% of young witnesses are able to make use of that service—usually very young children who have additional difficulties, although that is not to say that the support for young children with additional needs is by any means perfect. The use of registered intermediaries would ensure that courts were aware of the level of understanding and the vulnerability of the witness, and that they knew how best to go about questioning them. However, four years after the scheme was launched, there are no more than 100 active intermediaries—roughly as many as there were in 2009, when the scheme started. The Crown Prosecution Service has said, rightly, that it wants to bring more sexual abuse cases to court, but in that context there must be more support for children and young people who are brave enough to go through this very difficult process.

The NSPCC estimates that provision would cost £900 per child. Based on the available figures, which are far from perfect—I would welcome a commitment from the Minister to make a better assessment—on the number of children who would make use of it, the NSPCC believes that the scheme would cost £1.3 million a year. I do not know what it costs the state when cases collapse, but I know that that happens only too often. It would be helpful to look at the cost of providing a child with an intermediary in the context of the cost of not doing so. Clearly, in addition to the economic costs, we must take into account the cost that a child will suffer, perhaps for the rest of their life.

In the wake of Operation Yewtree and the Jimmy Savile scandal, child abuse in this country is rightly a source of national shame. It should have been so for some time, but the more we know, the clearer it becomes that we have to act. Many people, including the Director of Public Prosecutions, have called for this to be a watershed moment at which we deliver real change in how we encourage people to come forward to report abuse, and in how we support children who are going through the process. If it is to be a watershed moment, to echo the words of the Director of Public Prosecutions, we all have to play our part, so I urge the Minister to accept the new clause.

**Mr Timpson:** I welcome the opportunity that the hon. Lady has provided to debate the serious and important issue of special measures to help child victims and witnesses give their best evidence in court. Before I speak to the new clause, as this the last time that I will trouble the Committee with my utterances, I should like to thank all hon. Members for the not inconsiderable time that they have given up to sit as members of the Committee, for the astute and diligent scrutiny that they have undertaken, and for the constructive dialogue that has been a hallmark of our work.

We have benefited from the wealth of experience, particularly of the three new Opposition Members with whom I share the somewhat surreal experience of a by-election. It has been a pleasure to learn more from them about the personal and professional experiences that they bring to the House, and the Committee has benefited greatly. The Bill is large and detailed, so it is only right that it has had a long time to be scrutinised rigorously. I have listened carefully and considered all the views expressed in the Committee. As a consequence, Committee stage has been a fruitful process and the Bill has been enhanced. Finally, I thank you, Mr Havard, and your co-Chair, Mr Chope, for the assiduous and good-humoured manner in which you have chaired our proceedings. I am sure that other hon. Members will wish to echo those sentiments.

Like the hon. Member for Wigan, I pay tribute to my hon. Friend the Member for Oxford West and Abingdon, who has pursued with aplomb the issue with which the new clause deals. I also thank the Director of Public Prosecutions, Keir Starmer, for the work he has done during his tenure. He and my hon. Friend have made a valuable contribution.

For far too long, vulnerable victims and witnesses have felt intimidated and confused by the criminal justice system, and the Government are determined to redress that. We are prioritising support for child witnesses and victims of sexual offences to ensure that they get

the right support and information when they need it. That forms part of our reforms to the victims code of practice and the witness charter, to give victims and witnesses clearer entitlements from the criminal justice agencies and better tailor services to individual needs.

Children are automatically eligible for special measures to ensure that they can give their best evidence in court. The presumption is that all children should give their evidence by video-recorded statement, which will be played during the trial as their evidence in chief. Any further evidence or cross-examination will ordinarily be conducted via live link, and the court may permit a supporter or intermediary to be present. The aim is to minimise the number of times that a child is questioned and to enable them to give evidence from outside the courtroom.

The hon. Lady mentioned section 28, the last unimplemented special measure in the Youth Justice and Criminal Evidence Act 1999. As she may be aware, a working group was set up last year to assess in detail how the measure could work in practice. The initial proposal was to pilot the scheme in three courts. My understanding is that Her Majesty's Courts and Tribunals Service is exploring the costs and model of the pilots to improve efficiency and will report shortly to Ministers on the findings.

Intermediaries are an important part of the special measures available to witnesses under 18 years of age. The role of an intermediary is to communicate to the witness the questions asked by the court, the defence and the prosecution teams and to communicate the answers that the child witness gives in response without changing the substance of the evidence. Intermediaries are made available to all children with a need for support in understanding and communicating, so that the child can give their best evidence. I am sure that hon. Members will understand that the circumstances of each case are different. It is important that there is some flexibility to ensure that the most appropriate measures apply in each case, including the use of an intermediary.

Our discussions with criminal justice partners and victims' groups suggest that the measures in place are the right ones. The Government are not persuaded that the establishment of new specialist courts or the mandatory allocation of an intermediary will create a better or notably different experience for child witnesses compared with the existing system, but as my hon. Friend the Member for South Swindon said, it is vital that the current special measures are properly understood by those in the criminal justice system and consistently applied to ensure that child witnesses can give their best evidence in court. We are working to ensure that that is the case. I chaired a round table on child sex exploitation a few months ago at which we discussed precisely that issue, and it will be raised again at a forthcoming round table next month.

More widely, we recognise the importance of joined-up action across the criminal justice system. To that end and to give a greater voice to vulnerable people, especially children who have been sexually abused or harmed and who have come into contact with the criminal justice system, we recently appointed a specific victims Minister and commissioner. In addition, the Crown Prosecution Service continues to do all it can to learn from the child sexual abuse cases that we have heard about, as shown in the work of the Director of Public Prosecutions and the announcements that he made on 6 March. A network of specialist prosecutors is being set up specifically for that purpose, and there are plans to consult later this year on new legal guidance on prosecuting child sexual abuse cases.

I acknowledge and support the principles behind the new clause, but given the work under way on the issue, led by the Ministry of Justice, the Government do not feel that new clause 59 is necessary at present. In light of my comments, and with the assurance that the Government take these matters seriously, I hope that the hon. Lady is able and content to withdraw her amendment.

**Lisa Nandy:** I am grateful to the Minister for that. I recognise that he takes this seriously, as I expect his colleagues do, especially given the level of public concern and the amount that we now know, post-Jimmy Savile, about how unreported the problem is and how difficult it is for those who do come forward. I was aware of the ongoing work, and although I very much support that work and am pleased that it is happening, the Opposition still feel that these children have waited far too long. So often we do not act because we want to get it right, and when we take steps and measures the moment has passed and too little has happened. We are determined that this opportunity should not be lost.

The terrible cases I outlined in my opening remarks should provide a catalyst, not just for the Government to act, but for the Opposition to press and support the case and for the public to get behind that. We intend to return to these measures later in the passage of the Bill and elsewhere, but in light of what the Minister said and the helpful and constructive way he approached it, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

*Clauses 105 to 109 ordered to stand part of the Bill.*

### Clause 110

SHORT TITLE AND EXTENT

**Jo Swinson:** I beg to move amendment 279, in clause 110, page 112, line 37, at end insert—

'( ) Section 96(3) and (4), so far as relating to paragraphs 3, 53 to 59 and 61 of Schedule 7, extends to Northern Ireland.'.

As twilight falls on our scrutiny of the Bill, we have the final exciting and important Government amendment. Like the other Government amendments we have debated, it is a minor and technical amendment to ensure that the extent of clause 96 is correct for the legislation being amended under schedule 7. The legislation amended by paragraphs 3, 53 to 59 and 61 of schedule 7 applies to the whole of the UK, and the amendment ensures that certain changes made by schedule 7 are read uniformly across all territories to which the legislation applies.

Before I formally conclude, and as this is, I hope, my last time on my feet in Committee, I put on record my thanks to you, Mr Havard, and to Mr Chope for your excellent chairmanship of the Committee, enabling us to get through our business in a timely and efficient fashion. We sat all the way through lunchtime today, so that we could complete Committee stage before the House prorogues. The Bill has been thoroughly scrutinised

*[Jo Swinson]*

by the Committee and we have been fortunate to have an excellent set of Committee members from all parts of the House, who brought a huge amount of expertise and experience to the table.

An impressive 338 amendments and 59 new clauses were tabled, and I am delighted that we have had the opportunity to discuss the important issues raised by every part of the Bill. Debates in Committee have been a pleasure, and we look forward to Report stage, in which Committee members will no doubt play an important part— perhaps with the exception of the hon. Member for Manchester Central, who will be putting into practice the issues we have been discussing. I am sure I speak for the whole Committee when I wish her well for the birth of her new little person.

I conclude by saying that the wider changes made in the Bill will have a positive impact on the lives of children and families across the country. It is right and proper that Parliament has been able to give it the scrutiny it deserves in Committee.

*Amendment 279 agreed to.*

*Clause 110, as amended, ordered to stand part of the Bill.*

3 pm

**Mrs Hodgson:** On a point of order, Mr Havard, following on from other hon. Members, I want to place on the record my thanks to you and your fellow Chair, Mr Chope, for the excellent way in which you both chaired the Committee. We seem to have been scrutinising the Bill for months—indeed, I think we have, but we had a recess in the middle to recharge our batteries, which was welcome; we then had to get back up to speed once we returned.

I thank all the Clerks, doorkeepers, House staff and civil servants who have worked with us on the Bill. Their commitment and expertise is unparalleled and does not go unnoticed and unrecognised. It has been a hard-working, good-natured and somewhat consensual Committee. At times, we have agreed more than we have disagreed, which is for the good. As I have said before and I will say again, the legislation we are shaping is extremely important for millions of our most vulnerable children now and in future.

I thank both the Ministers for their thoughtful and good-natured handling of the many issues we debated during the perhaps more than 100—I have not added them up—debates in the course of our sittings. I thank both Whips for their excellent whipping, if such a phrase is in order, Mr Havard, and all Government Members for their contributions and amendments, which I know will help to make the Bill the best that it can be, especially if the Minister and the Government are minded to accept the amendments during the redrafting of the Bill.

I especially thank my fellow shadow Minister, my hon. Friend the Member for Wigan, who has just run out the door. She has done a superb job in helping to scrutinise the Bill with me on behalf of Her Majesty's Opposition. Last, but by no means least, I thank all my hon. Friends on the Committee for all their support and encouragement. My hon. Friend the Member for Wigan and I literally could not have done it without them. I thank them all for their excellent amendments and contributions, which I know will not only help the other place to continue the vital scrutiny of the Bill, but it will help the Government to improve the Bill at a later stage. I also thank all our parliamentary staff who worked tirelessly to support us in our work.

My final thanks go to all the charities and agencies that helped with the scrutiny of the Bill and supported us in our work with their extensive briefings.

**The Chair:** To the extent to which that was a point of order that relates to process, I will accept it, Mrs Hodgson. I will amplify the thanks that you have given to not only the staff who sit on each side of me, but to all the people who make this process work both in the House and beyond. As you rightly point out, we have had an exceptional amount of evidence presented, which will be published and which has helped to inform the public debate. The way in which the Bill has been conducted and structured is interesting from the point of view of process. There was a lot of pre-work done in Select Committees and in all-party groups; there was a public reading of the Bill to take evidence at the start of the process; then, we had the introductory debate, which was fairly wide-ranging; and we have had this process.

Mr Chope and I thank you for the adjustments that have been made, both in time and process. We thank you for your forbearance. We have learnt a lot from it. We have learnt that Ms Nandy, who is chair of the escape committee, was also a demanding child. We have also learned that Ms Powell has a very tolerant child, who has bravely hung on to the end of the process, and we have established Mr Williamson's future programme of work, so we have done useful things.

We have had a civilised debate and I thank you for it. It is important to record the pre-legislative scrutiny and other matters. However, the process is not finished yet. The Bill will now progress, we will deal with the codes of practice, the guidance and so on, and hopefully our deliberations and the evidence will raise awareness about the opportunities for the protection and rights of families and particularly children, who are out future. I would like to record my thanks for your activity in helping to do all those things.

*Bill, as amended, to be reported.*

3.4 pm

*Committee rose.*