PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CRIME AND COURTS BILL [*LORDS*]

Sixth Sitting

Tuesday 29 January 2013

(Afternoon)

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Saturday 2 February 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: † Martin Caton, Nadine Dorries

† Barwell, Gavin *(Croydon Central)* (Con)
Browne, Mr Jeremy *(Minister of State, Home Department)*
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Chapman, Jenny *(Darlington)* (Lab)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Elphicke, Charlie *(Dover)* (Con)
† Goggins, Paul *(Wythenshawe and Sale East)* (Lab)
† Green, Damian *(Minister for Policing and Criminal Justice)*
† Hanson, Mr David *(Delyn)* (Lab)
† Heald, Oliver *(Solicitor-General)*
† Jones, Andrew *(Harrogate and Knaresborough)* (Con)
† Lopresti, Jack *(Filton and Bradley Stoke)* (Con)
† McCabe, Steve *(Birmingham, Selly Oak)* (Lab)
† McDonald, Andy *(Middlesbrough)* (Lab)
† Paisley, Ian *(North Antrim)* (DUP)
† Rutley, David *(Macclesfield)* (Con)
† Syms, Mr Robert *(Poole)* (Con)
† Vara, Mr Shailesh *(North West Cambridgeshire)* (Con)
† Vaz, Valerie *(Walsall South)* (Lab)
† Wilson, Phil *(Sedgefield)* (Lab)
† Wright, Simon *(Norwich South)* (LD)

Neil Caulfield, John-Paul Flaherty, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 29 January 2013

(Afternoon)

[Martin Caton *in the Chair*]

Crime and Courts Bill [*Lords*]

2 pm

The Chair: As there is a Division in the Commons, the sitting is suspended until five minutes past 2.

2.5 pm

On resuming—

Clause 15

Interpretation of Part 1

Amendment moved this day: 4, in clause 15, page 14, line 25, at end insert—

'(i) The Association of Police and Crime Commissioners'.—*(Mr Hanson.)*

Mr David Hanson (Delyn) (Lab): I welcome you back to the Chair, Mr Caton. You missed a fine morning's entertainment. I recognise that the world's eyes are now focused on the Electoral Registration and Administration Bill and the boundaries. I have to declare an interest as my seat would be abolished. I am giving Conservative Members an even bigger incentive to vote.

This morning I started to speak to amendment 4, I hope relatively speedily so that we could get on to the amendments tabled by my hon. Friend the Member for Darlington. Clause 15 indicates the interpretation of part 1 of the Bill and gives a range of definitions of who means what, where and when in the previous 14 clauses we have dealt with so far. Amendment 4 refers to the part of clause 15 that refers to strategic partners. As I mentioned just before the break, "strategic partners" are currently defined as

"such persons as appear to the Secretary of State to represent the views of local policing bodies;".

The amendment would add the Association of Police and Crime Commissioners, as I feel that body would be a strategic partner. Although I accept that there may not yet formally be an Association of Police and Crime Commissioners, post April I expect there will be because there is a shadow board that met last week. The Opposition certainly wish for participation by the 13 Labour commissioners in a body of that nature.

I will not go to the wall on the matter. I simply seek clarification from the Minister that

"such persons as appear to the Secretary of State to represent the views of local policing bodies;"

is not a way to deal with a certain group of people, but not necessarily PCCs, who form a new organisation. Given that PCCs are a central tenet of the Government's framework for policing, I think that including the name of that body under strategic partners would give it more credence than a simple mention, as at the moment, under the heading "policing body", which means a PCC elsewhere. Will the Minister clarify what is meant by the definition under paragraph (c)? I am sure it means what I have put in my amendment but I would like confirmation.

The Minister for Policing and Criminal Justice (Damian Green): I, too, welcome you, Mr Caton, in my late appearance at Committee. As the right hon. Gentleman just said, amendment 4 adds the Association of Police and Crime Commissioners to the list of the National Crime Agency's strategic partners, who will be consulted during the development of the NCA's strategic priorities and the agency's annual plan. I am happy to reassure him that PCCs will indeed be important strategic partners for the NCA. The PCCs have an express national role in tackling the kinds of serious and organised crime whose pernicious effects are felt in the communities they have been elected to represent.

As the right hon. Gentleman says, the definition in clause 15 already includes a reference to

"such persons as appear to the Secretary of State to represent the views of local policing bodies".

If hon. Members look at the definition of local policing bodies in subsection (1), they will see that it includes PCCs, as well as the Mayor of London and the Common Council of the City of London.

As indicated in the debate last Thursday, there is no requirement on the Home Secretary to consult each and every police and crime commissioner on the strategic priorities. She will certainly be required to consult persons representing views of PCCs. As the right hon. Member for Delyn said, I would fully expect the Association of Police and Crime Commissioners to be an appropriate representative body for these purposes at this time. Thus, an express reference to it is unnecessary, in the same way that an express reference to the Association of Chief Police Officers is unnecessary. I hope that my explanation satisfies the right hon. Gentleman and that he agrees to withdraw his amendment.

Mr Hanson: I welcome the Minister to the Committee. We simply wanted to test that out, but his explanation is fully satisfactory, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 15 ordered to stand part of the Bill.

Clause 16

Civil and family proceedings in England and Wales

Jenny Chapman (Darlington) (Lab): I beg to move amendment 73, in clause 16, page 16, line 17, at end add—

'(7) There shall be no restriction on the number of days that a family magistrate may sit in the family proceedings court.'.

I welcome you to the Committee, Mr Caton—I did not have the opportunity before now, although I know that other Members did last week.

We have spent the last few sittings discussing the National Crime Agency and serious organised crime and terrorism, but we are now shifting to a very different

area of justice. Clause 16, alongside schedules 9 to 11, provides for the establishment of a single country court and a single family court. Amendment 73 addresses subsection (3), which contains the family court provisions, and simply states that there should be no restriction, as currently exists, on the number of days that a family magistrate may sit in a family proceedings court.

The creation of a single family court was a recommendation made by the family justice review, which was commissioned under the previous Government and chaired by David Norgrove. The Opposition strongly welcomed his recommendations and support the Government's implementation of them. On accepting the recommendations, the Government said that the creation of the new family court would

"facilitate wider reforms to enable the more efficient use of court resources, and more effective administration of proceedings".

We agree with that, and will not press the amendment to a vote. However, although we accept that it is desirable to move to a structure of single courts, our amendments address the details on administration and how best to keep the court system under adequate review, so that we may monitor the impact of reform—both successes and difficulties.

The amendment addresses a matter that the Government have, to their credit, previously considered, and is intended to gauge where they are at with it. It provides for the removal of the limit on the number of days that a family magistrate can sit in the new family court, which is currently 70 days. It is worth spending a little time considering the work that magistrates do, so that we can properly understand why a 70-day limit might be disadvantageous to the smooth running of the family court. Many magistrates do family work because they care very deeply and passionately about families and especially children. They undertake special training beyond that which magistrates normally do, often beyond the core requirements of the law, and are called upon beyond their normal time commitments, often at unsocial hours. They do a lot to create a family court that is friendly and accessible, particularly to parents, and they always put the child's welfare first.

One thing that family magistrates are often praised for, which other legal areas could learn from, is making sure that parents understand proceedings. They are not perfect and things do not always go as we would wish them to, but the magistracy deserve credit for the efforts that they have made to make things more easily understandable for the users of family courts. Family courts are more relaxed. Those involved sit around the table. Both public and private law is dealt with. Family cases, whether public or private, are always tricky.

2.15 pm

Valerie Vaz (Walsall South) (Lab): It is a pleasure to serve under your chairmanship, Mr Caton. Is it the case that sometimes both parties are not represented by lawyers? It is a much more informal atmosphere, as my hon. Friend says. However, perhaps one side may have a lawyer while the other side does not.

Jenny Chapman: I am grateful to my hon. Friend for her intervention. It has been argued that such circumstances will increasingly become the position, following changes to legal aid. The Ministry of Justice's impact assessment of the changes under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 stated that we could expect to see more people representing themselves in such situations. My hon. Friend the Member for Walsall South has underlined the importance of magistrates making justice accessible to a broad range of people.

Family courts deal mainly with public law cases in which the state, usually a local authority, is often attempting to intervene in family life. That can include anything from supervision orders to keep an eye on a family with problems, to adoption, but most of the work involves care orders. Family courts hear thousands of private law cases when there is disagreement between members of families. They are equally difficult cases. Custody battles are often resolved in a family court, as are issues of contact. Such courts deal with about everything in family law except divorce cases, of which many are dealt with in the county court.

When we listen to magistrates, it brings home how important their work is to our justice system. A testimony of a magistrate—a former midwife—that I read recently has stuck in my mind. It shows how magistrates come from a broad variety of backgrounds, something that we want replicated in other areas of the judiciary, an issue that we shall discuss later this afternoon. The magistrate described a case that affected her, in particular. She had to make decisions about a middle-class family in which there were three girls and a boy. They had all been horrendously sexually abused by their father—a respected member of the community—with the collusion of their alcoholic mother. The abuse only came to light when the eldest girl told her fiancé.

The magistrate said that they were fantastic kids, and had sat in court holding hands. The eldest had married her fiancé, and she had obtained residence with the youngest two children. However, the magistrate found the reaction of one of the teenage daughters disturbing. She was intelligent, sophisticated and wanted to be a lawyer, but said that she loved her father and that she would always support him.

A chair of the bench went on to explain how training has supported her understanding of such difficult cases. She said,

"some people become entrapped, sucked into skewed relationships and that children will often keep abuse a secret for fear of breaking up the family."

Older children are sometimes carers for their alcoholic or drug-addicted parents and want to protect them. They may even say that they want to stay in the household where they are being abused. The court can appoint a guardian, although there may sometimes be a shortage of them, to look into family circumstances and help to decide what is in the child's best interests.

Normally the guardian's role is to support the child, but occasionally the guardian and the child might each have their own legal representation, as they might be requesting different outcomes. I am trying to explain how difficult and complicated some hearings can become.

It is not all depressing for magistrates. The favourite occasions, I guess, will be when they are not removing a child from a family, but adding one through adoption. In one account, a magistrate says:

"At the conclusion of adoption cases, the whole atmosphere [in court] is one of joy…The children get a certificate and a toy, and the family are allowed to take photos."

[Jenny Chapman]

The proceedings can be quite a charming thing too.

We feel that individuals who have developed strong expertise and experience in delivering justice in family courts should not have their contributions limited to 70 days a year; that is too restrictive.

One family that the magistrate dealt with already had a seven-year-old and was adopting a three-year-old. When the legal process was over, the parents told the seven-year-old that she now had a little sister. The child replied, "I've always wanted a little sister," and her new sibling turned to her and said, "I love you." The magistrate said:

"There wasn't a dry eye in the place."

The hardest cases are those where the risk-benefit between leaving a child at home and taking him or her into care is finely balanced. I would not want to be in the position of taking such decisions. Individuals who are willing to put themselves in that position should be able to offer their services to the community in that way to a degree that they see fit, and they should not be restricted.

Valerie Vaz: My hon. Friend makes an important and moving point about adoption. Given that we all support the way in which the Government are trying to speed up the adoption process, does she agree that we need more magistrates, rather than fewer, sitting for longer?

Jenny Chapman: I agree with that. More magistrates should be encouraged to offer their services in more specialised areas, such as the family court. I would not want to see their contribution to the family court curtailed in any way; it just does not seem justified. I know that the Government have some sympathy with that view, so the amendment is an opportunity for the Minister to inform the Committee of his most recent thinking.

The removal of the time restriction was among the proposals recommended by the "Family Justice Review". That report, which was widely welcomed on both sides of the House, noted:

"Judges and magistrates should be enabled and encouraged to specialise in family matters."

That is right.

Sadly, as my hon. Friend has indicated, there is a growing demand on our family courts. The review recommended that appointment to the family judiciary should include consideration of a willingness to specialise in family matters, and, following representations that the limitation on the number of days they may sit prevents specialisation in family matters, that the restriction on magistrates' sitting days should be reviewed. That is the reason for amendment 73.

The recommendation follows the review's statement:

"The aim should be judicial continuity in all family cases."

It is desirable, for the more effective performance of the court, which both the Government and Opposition desire, and for the experience of those involved in proceedings, for the magistracy to have the opportunity to build up expertise and provide continuity when dealing with sensitive family issues. The issue is also about getting cases heard and concluded in timely fashion.

Steve McCabe (Birmingham, Selly Oak) (Lab): I am following my hon. Friend's point. Does she accept that one argument for ensuring that we have magistrates who have built up a great body of expertise in this field is that quite often courts now bend over backwards to help litigants in person at the expense of people who have proper legal representation? We need clarity about the role of magistrates in such situations. We need to protect the rights of litigants in person without giving them an unfair advantage. If magistrates do not sit for sufficient time, the disruption would encourage, rather than lessen, that likelihood that litigants in person are unfairly advantaged.

Jenny Chapman: My hon. Friend makes a good point. If I may widen it further, I do not think the Government, or anybody else, fully appreciate the ramifications of the increase in the number of litigants in person. We do not yet know how it will affect access to justice and delays in court proceedings. As my hon. Friend alluded to, there is an increased pressure on the judiciary at many levels to make allowances for the fact that people are representing themselves. There is much to keep in mind on that issue. Hence, we will need an amendment shortly after we see the impact of the reduction in legal aid. There may need to be a change to the arrangements for litigants.

Clearly, the Department for Education will have an interest in the family court, given the number of cases and care proceedings that are heard in the family court. Has this issue been discussed with the Minister responsible for looked-after children? I know he takes seriously the speed at which such cases are heard, and he is concerned that we accelerate the speed. The restriction on the number of days that magistrates can sit is not helpful in accelerating the speed at which cases are heard.

The Government's response to the Norgrove review states:

"The Government agrees with the Review's analysis that enabling and encouraging specialisation in family matters will improve judicial continuity and create a more experienced family judiciary."

That is welcome. The Government's response accepts the recommendation that sitting day restrictions be revisited. It states:

"The Government will review processes in relation to managing magistrates' sitting days and the current system of writing to magistrates who go over the recommended maximum threshold."

We welcome that statement greatly, but we have not seen anything to support it. The Government agree that magistrates willing to sit extra days to accommodate family cases should not be discouraged from doing so due to an arbitrary threshold. The Government will consider, with the Judicial Office, how such processes can be refined at the earliest opportunity.

In the other place, a Government spokesman assured the Lords that the Government will work with the Judicial Office to look at the feasibility of making such changes. They promised to update interested parties—and the Opposition are an interested party—on progress in this area. That is what the amendment is about. We will not press it, but will the Minister make good on that promise and update the Committee on where his Department is with that recommendation, and whether any progress has been made?

The Solicitor-General (Oliver Heald): It is a pleasure to serve under your chairmanship, Mr Caton. I congratulate the hon. Lady on presenting her amendment with customary warmth and humanity. No doubt, it is based in her experience of psychology and—

Jenny Chapman: Homework.

The Solicitor-General: Indeed, and her particular interest in this important area.

Lay magistrates do an excellent job. They do all the things the hon. Lady said; they put people at ease, they work hard to gain experience, they train and they deal with difficult cases that are hard to decide. I am very happy to start by paying a tribute to their work, which is truly vital.

The hon. Member for Walsall South made a point about litigants in person; I think we now call them self-represented parties. There is no doubt that it is important, particularly for people who are on their own, that they have the support they need to present their case properly.

2.30 pm

The current sitting limits are set out in the Lord Chancellor's Directions for Advisory Committees on Justices of the Peace. They provide a ladder for magistrates as they start out. The minimum that a magistrate has to serve is 15 half days in the adult court. The maximums are 35 days if a magistrate sits in one jurisdiction only, or 50 days if they sit in more than one jurisdiction. There is of course some flexibility, because if they are on a case that runs for a longer period it is possible to sit beyond the limit to provide continuity. These are the sort of basic rules set out in the directions.

The reason behind the current rules is to try to ensure that a range of magistrates have experience of this jurisdiction as well as the main adult jurisdiction, with the idea of bringing magistrates on over time as they gain experience. A court would perhaps typically have as chairman a very senior experienced family magistrate who has specialised for some years, with perhaps a slightly less experienced person on one side and someone who is fairly new on the other, with the idea of building experience over time. It is also important to have new members coming through to ensure diversity. The Government are keen, and I know the Opposition agree, to have people of different types—people of different ages, ethnicities, gender, different kinds of families—represented on the bench. The idea of the rules is to try to have some method of balancing that.

The hon. Member for Darlington is absolutely right that the family justice review chaired by David Norgrove pointed out that the system was rather inflexible, and that there was a need to allow magistrates to build their specialism. The Government therefore agreed to review the processes of managing magistrates' sitting days, and the current system of writing to magistrates, which was mentioned. We agreed that those who are willing to sit extra days to accommodate family cases should not be discouraged from doing so by an arbitrary threshold.

The current work on the review and setting up the family court, which of course is a major undertaking, is complex. It requires detailed discussions with the judges, the Courts and Tribunals Service and others to get the secondary legislation—the processes and procedures—right. It will be obvious from our future discussions that some areas are still being discussed and will need new rules. However, the discussion processes, and the preliminary liaising with the Judicial Office over the review of the magistrates' sitting limits, have started. The discussions are under way. They are not at a point where there is a clear outcome, but clearly there will have to be before the family court is up and running at the beginning of next year. That is the timetable. It is being treated seriously, and I think I can give the sort of assurances that the hon. Lady asked for.

Jenny Chapman: I welcome the Minister's words. We have his assurances on the record, and we have them on the record in the other place too. I do not know what else we want, so I am very pleased to hear what the Minister has to say on this issue. We look forward to working with the Government as things progress, because we have a shared aim in wanting the family courts to be as effective as possible. I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

New Clause 4

REVIEW INTO THE COURTS AND TRIBUNALS SERVICE

'The Lord Chancellor shall conduct a periodic review of HM Courts and Tribunals Service, including the Office of the Public Guardian, and the impact of section 16 and Schedules 9 to 11, including reports on its efficiency, cost, ease of access and user and practitioner satisfaction, and specifically the impact of court closures on court users and access to justice, and shall publish a report on the review to both Houses of Parliament.'.—*(Jenny Chapman.)*

Brought up, and read the First time.

Jenny Chapman: 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 5—*Information for court users*—

'The Secretary of State shall publish and consult on a strategy for the delivery of legal information, support and dispute resolution services to the public by HM Courts and Tribunals Service.'

Clause stand part.

Jenny Chapman: As noted previously, clause 16 deals with the establishment of a single county court and a single family court for England and Wales. As we have already discussed, the Opposition agree that the move to a structure of single courts is desirable. The proposed new clauses seek information following those developments and other recent changes to the courts system. We hope the Government will see the suggested new clauses as reasonable. They are about confidence, transparency and ease of access to the criminal justice system for the community.

With regard to proposed new clause 4, the former Lord Chancellor began his foreword to the Ministry of Justice's response on county courts by stating:

"An effective justice system is the cornerstone of a civilised society."

[Jenny Chapman]

Who could argue with that? He rightly notes:

"It is the civil justice system upon which ordinary members of the public rely every day to resolve bread and butter issues that really matter to their lives…Without effective civil justice, businesses couldn't trade, individuals couldn't enforce their rights, and government couldn't fulfil its duties."

Louise Casey, the former Victims' Commissioner, goes a bit further than that. She describes how confidence in the criminal justice system is essential, in effect to avoid people taking the law into their own hands. I wholeheartedly agree. We have seen cases in communities where particularly with violent offences, perhaps against children, retribution has been meted out locally. That is not something we want to encourage. However, some of that comes about because there is a lack of confidence in the criminal justice system. We have to accept that and work out how to improve the system so that we grow confidence in it.

New clause 4 would provide that the Lord Chancellor conduct a periodic review into the Courts and Tribunals Service, and the impact of the reforms in the Bill, as well as in other legislation such as the Legal Aid, Sentencing and Punishment of Offenders Act. We are calling for a periodic review; we are not being over-burdensome. We are not asking for an annual review. However, we believe a review would provide a helpful resource, without placing too heavy a burden of work on Ministry officials.

Areas we would like to see reviewed and reported on are efficiency, cost, ease of access, user and practitioner satisfaction and, specifically, the impact of court closures on court users and access to justice. There are serious concerns about that that have been previously been debated in the Chamber and the other place. I do not want to rerun all that, but there may well be an impact on access to justice due to court closures. Therefore, it is right to ask for that process to be monitored carefully over time. With some of the changes, there will not be a big bang with a massive instant impact. Some will take time to appear, and we think we need to review that so that we are aware of the impact of those changes, good or bad.

The new clause would provide that the Lord Chancellor shall publish a report on the review of those important matters to both Houses of Parliament.

Reporting on progress, reviewing the impact of change and putting in place safeguards to spot and stop problems in a service as vital as the Courts and Tribunals Service are understandable duties to have in place. Under the Bill and other recent legislation, the court system is going through what one Member in the other place described as a "seismic" change; I know that Ministers want to be reformers and leaders of change. If we have a seismic change, it can often be a good idea to have a little look at what the situation was like before and what it is afterwards, to see whether that change was a good idea after all.

If the system struggles—many people believe that it may well begin to struggle—or if unforeseen or, in the case of legal aid provisions, very much forewarned problems arise, severe detriment will result. That has already been described in the Government's own consultation—the Government are aware of some of the problems that could arise out of their decisions in this and earlier Bills. Their response to the consultation states that it is

"important that the system helps people to resolve their problems quickly, efficiently and cost-effectively."

It is surely consistent with the Government's aims to review the performance of the reformed service in terms of efficiency and cost and how well and how quickly it assists people with their problems. There are already practices in place to report on the performance of areas in the service, such as the annual report by the Office of the Public Guardian.

At a time of extensive change, when the theme is the joining up and efficient running of the service, it seems reasonable to ask that useful information be provided on the service as a single system, rather than just bits here and there. I spend a lot of my time trying to glean, as I am sure Ministers did when they were in opposition, and it would be useful to have a report from the Government on the whole system.

Problems often exacerbate each other, while successes can have a knock-on effect. It is a simple case, if we want to see an effective court system to serve our constituents, of keeping Parliament's eyes on the matter. We hope that the Government will be pleased to keep their reforms under review. I know that they are proud of their reforms and I am sure that they would want to review them and demonstrate their success, but they must be willing to admit and deal with difficulties too, and not cease to look for further improvement. Our case is that it would be difficult to do that without collecting data and evidence over time.

In tabling the new clause, we want to draw particular notice to access to justice, which is a hot issue. It is about access in the physical sense as much as anything, and about access to legal help for litigants. If an effective justice system is the cornerstone of a civilised society, as the right hon. and learned Member for Rushcliffe (Mr Clarke) asserted, access to it is a vital counterweight.

In the previous Session of Parliament, access to justice was the subject of many important or even, as described by one Library note, "intense" debates. I was not part of the Justice team at the time of those debates, but I know that my hon. Friend the Member for Hammersmith (Mr Slaughter) delayed Members well into the night, discussing the changes to legal aid. The issue is incredibly important to Members on both sides of the House. There have been a number of Back-Bench and Adjournment debates on the matter, so it is something in which hon. Members take a strong interest.

2.45 pm

The issue concerns physical access, too. For many people, access to a local court at a reasonable distance is essential for their attendance. The programme of court closures, while properly seeking to reduce the cost of the court system, will affect the provision. It will make the process more difficult, and it will be important to assess the impact on access and the users of existing and planned closures. If the Government were confident that they were doing the right thing, they would welcome such a reported assessment.

As for access to justice for the person, the changes to legal aid introduced by the Government in the previous Session raised many specific worries. I come now to the

hon. Lady for Maidstone and the Weald (Mrs Grant), now a colleague of the Minister's on the Justice Front Bench. We all welcomed her appointment as Under-Secretary of State. Tellingly, she, along with many other hon. Members, noted the worries that many people might not have the ability to represent themselves in court, nor would the courts have the resources to assist increased numbers of litigants. In light of the more troubling legal aid changes alongside the provisions under the clause, we believe that a review of the performance of HM Courts and Tribunals Service is a necessary and important service.

Access to justice and the availability of information and advice bring me to the second of our proposed new clauses, new clause 5, entitled "Information for court users". It deals with the worry about the provision of information for those in need of navigating our rather perplexing court system. It requires that the Secretary of State shall

"publish and consult on a strategy for the delivery of legal information, support and dispute resolution services to the public by HM Courts and Tribunals Service."

We have tried hard not to be too prescriptive, but it is important that we deal with information and advice for court users.

Many concerns have been expressed by several parties for many different reasons about access to information in the court system. It seems a small matter, but it is important. Citizens Advice, for example, reported a problem nationally of the lack of reception staff in courts. It says that in some cases it has lapsed completely and in other cases it has dropped to only two hours a day. Given the Government's recent overhaul of legal aid and the approach to the provision of advice, many people who arrive at court on their own have to find their way to the court not knowing which way to go and turning up at the door unaided and uncertain. It is not too much to ask that there should be some accessible advice available in the system. Such a service is important to its efficiency, as well as to the experience of the users and the assurance of justice.

Steve McCabe: Without the provision that my hon. Friend is referring to, what will happen to the vulnerable person turning up in court, perhaps in a hotly contested custody case, who has explicit reasons for not being forced to meet the other party and who might already be supposed to be protected by the law in a segregated room? Who would be the contact to ask that such a provision is observed?

Jenny Chapman: Again, my hon. Friend raises a huge issue. We know already that support at court for victims and witnesses of crime is not as good as we would like—far from it. We have all heard dreadful accounts of people being unsupported, perhaps sitting in a room with the perpetrator's family prior to a case. That is concerning and we want to ensure that such incidents are kept to a minimum.

The Solicitor-General: I fully accept and agree with the hon. Lady that supporting witnesses in criminal cases and separating the parties—for the reasons the hon. Member for Birmingham, Selly Oak mentioned—is vital. The criticism here is of the counter service at county courts. There are always people, such as the ushers, who receive witnesses and parties arriving for a hearing, but I think I am right in saying that the recent criticism is of the counter service.

Jenny Chapman: I think it is both. The experience is just not good enough from start to finish for too many people. The welcome that someone receives when they enter the building is important to how confident they feel through their proceedings. I know the Government want to improve that and get it right, and the new clause seeks to assist in that. There must be good information and advice for people, whether they be victims, witnesses or jurors, so that they understand the way of the system. We can never do too much to ensure that that happens in the best way possible.

Stella Creasy (Walthamstow) (Lab/Co-op): Does my hon. Friend agree that getting that right will also help to improve efficiency and, therefore, the cost-effectiveness of our courts? Having seen first hand the difficulties—one might use the term "shambles"—of the organisational work at Stratford court on Monday because of some of those process issues, I was concerned that not only were victims getting a raw deal in terms of justice but court resources were going in all different directions; it was not the most effective use of resources. Some of the work will also be on cost-effectiveness and value for money in the court system.

Jenny Chapman: I acknowledge my hon. Friend's work with survivors of domestic violence on their experience of the court service. We do not have much to be proud about. A lot has improved for survivors of domestic violence in recent years, but there is a huge amount of work still to do.

We know that the Ministry of Justice, to its credit, is explicitly and enthusiastically encouraging the use of alternative gateways to information. We have a digital strategy, which has been published, and a planned telephone gateway. We welcome all of that. If one uses the Department's website to inquire after the Courts and Tribunals Service, one will find the service explained:

"HM Courts and Tribunals Service aims to ensure that all citizens receive timely access to justice according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals asserting their employment rights or challenging the decisions of government bodies."

All of that is to be applauded. Individuals, families, small business owners and consumers from each of our constituencies use those services, and they are assured by the Government of their right to timely access to justice. The amendment seeks to ensure that those people are provided with the support that is blatantly and reasonably necessary to understand the system. Citizens Advice and Members on both sides of the House are deeply concerned about the trials that face some users when navigating the court system unaided.

On timely access to justice, it is important that information is provided where it is most needed. Sometimes, when a person has witnessed a crime, they are given a fair bit of support as they make their statement and some information about what to expect at court, but when they turn up on the day expecting to be supported,

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there is not a lot of support to be seen. The provision of resources, such as telephone and online information, is obviously welcome.

I come once again to the importance of review. A service must be judged on how it serves its users in practice. We might imagine that we have the most user-friendly service ever created, but unless the users of the service think the same we have not achieved what we set out to do. The service must be judged according to how its users perceive it. Will the Minister tell the Committee what procedures will be in place to review the provision of information that the Ministry of Justice has proposed? How do the Government intend to report on the efficiency and suitability of the different means used to provide it? I am hinting that not all means of accessing information and advice will be accessible to all users of our courts.

There is one further area where the importance of information should not be underestimated. This group was mentioned first and foremost in the list of those to whom Her Majesty's courts owe their service: victims. The need for adequate information and support to be provided to victims during their involvement in court was strikingly and at times—I do not mind saying this—upsettingly described by the first victims commissioner, Louise Casey. I put on record my thanks to Louise for her excellent work in that role. In her work on the experiences of bereaved families in the court system, especially victims of homicide, she reported many things worthy of discussion and which can be improved.

Most importantly for the clause, Louise Casey reported a lack of information about what was happening with cases, and said that it was one of the most serious problems facing families. I see the Solicitor-General nodding, and I know he agrees. The lack of information about what to expect when in court and about the court system is a serious reality facing families. We know that lack of information is not just a problem in court and at sentencing. It is about understanding what on earth the sentence is and how long the offender is actually going to serve. The lack of information goes right down the line to parole hearings. Victims are often unaware that the perpetrator is being released and will be living in a street near them. It is a huge problem.

Mr David Burrowes (Enfield, Southgate) (Con): I have heard Louise Casey speaking over a number of years about this issue. She speaks of the need for relentless information. One of the best ways to do that in the modern age is online. A tracking system is available in some American states, including Florida. In 2002, the previous Government threw £11 million at the Crown Prosecution Service to do the same thing, but it was not able to deliver it. Culturally, there needs to be a wake-up to the fact that we must properly track cases. Online may be the best way.

Jenny Chapman: I am not familiar with the service in Florida, but it sounds like the sort of thing we should be aspiring to deliver for victims in this country. Recently, a constituent came to my surgery who had been assaulted by a former partner; he was once again living on her estate and she had not been informed. She was only 22 or 23 years old, and she had children. There was no way for her to track, or to find out that information. I thought that we had good services locally in that field, but there is clearly room for improvement, even in Darlington.

I take the hon. Gentleman's point. We need to aim much higher. The culture across the Courts and Tribunals Service does not put victims' needs and experiences centrally enough. We say that again and again and we try to improve it, but we do not aim high enough. When there is something practical that we can do, such as improve information for court users, that is precisely what we should be doing.

3 pm

Steve McCabe: The hon. Member for Enfield, Southgate makes a reasonable point about online information, but the point when people are feeling most vulnerable—when they are victims—may not be when they are best able to make use of that service. Although the Government recognise that victims have real needs and have in fact been quite thoughtful about that by giving police and crime commissioners responsibility for looking after them, is not the difficulty that we need some kind of corresponding champion in the courts, so that a person's needs in that part of the system are similarly respected?

Jenny Chapman: I agree. It is pleasing that police and crime commissioners have a duty to consider the needs of victims, although we have yet to see how that will play out in terms of services. There is some concern as to quite how effective local services to victims—not the nationally commissioned services—will be, and what victims will make of them.

The Solicitor-General: The new clauses are very much looking at the civil courts, but on the point about the criminal courts, the witness care units set up under the previous Government, which are continuing under this Government, are raising the bar. Certainly, a lot more support is going to witnesses than ever before, particularly in some of the cases where the victim is most vulnerable.

Jenny Chapman: Given the dire low base at which we started, the fact that we are doing better than we were 10 years ago, although welcome, is not cause for too much celebration.

Stella Creasy: I note what the Minister says, but one thing that perplexes me is that if we fund a system of independent advisers for victims of either domestic violence or sexual assault, why do we not involve them in the courts? When I have visited courts, I have been struck by the fact that the advisers often find out only a day or two before about the cases being heard. That makes it impossible for them to be able to support those people. Frankly, the witness care units ought to be working with advisers to ensure that vulnerable victims in particular are getting support and that advisers know who is coming to court on that day. Otherwise it is impossible for them to work.

Jenny Chapman: My hon. Friend makes her point extremely well and I have nothing at all to add to that observation, other than to agree.

The Solicitor-General: It is of course very early days for the sexual abuse referral centres that have been set up. The hon. Member for Walthamstow is absolutely right that proper co-ordination between SARCs and WCUs is necessary.

Jenny Chapman: It is a pleasure to act as a conduit between two hon. Members. However, our point remains: services are not nearly good enough and are a long, long way from being so. We will be on the Government's case until we reach that happy place where we think that they are good enough. Actually, I do not think we ever get to that point in this area of work, do we?

Returning to Louise Casey's report, she was quite clear that the "overall tendency" was for the criminal justice system to be "closed". A third of respondents to her survey did not feel that anyone ran through with them how the trial would work or what to expect. That led to one family being so poorly prepared for trial that they first heard the details of their daughter's murder, unexpectedly and in horrific detail, in the courtroom. Another bereaved victim who took part in the survey put it very succinctly:

"In my opinion all families in this situation need the following: 1) The Truth 2) Information 3) Support".

Those should be simple things to provide. Things have changed, but the police and the courts system still have not got it right. That supports the points the Opposition have been trying to make, and if the Minister is candid and open with us, he cannot fail to agree.

Following her work on the issue, Louise Casey recommended a victims law, with which the Opposition agree. One of the central provisions of the victims law would be the right to information. Given that the Opposition agree with the victims law, it would be slightly odd if we did not push for the right to information on this occasion. The Labour party has accepted the recommendations, and we intend to ensure that information and support are given when they are most desperately needed.

The Government say that they want to put victims at the heart of the criminal justice system, and I do not doubt that intention, but it is somewhat difficult to be comforted by that assertion in light of their cuts to victim compensation, for example, or the decision to downgrade the role of the victims commissioner. We have already seen the importance of the victims commissioner in this debate. It has been changed from a full-time post to one of only 10 days a month. I have enormous respect for Helen Newlove—I am sure that she will do a tremendous job—but at face value the downgrading of the commissioner's role is concerning. While we welcome her appointment, we put on record our disappointment at the lack of support and resources the Government have afforded her so far.

New clause 5 would allow for wide-ranging consideration and debate about the different types and hubs of information that should be made available to the wide spectrum of people who need to use the courts system. We see it as an opportunity to ensure that our constituents, be they victims, witnesses or other users of the courts system, are provided with what they need to navigate the system confidently and effectively, ensuring that timely access to justice is a reality.

Valerie Vaz: I want to add a few observations about the county court area, having served as a solicitor in many county courts across London and the rest of the country.

I start with the magistrates court. I welcome the Solicitor-General to his new post; I do not know whether this is his first Bill Committee since his appointment. Will he clarify whether his remarks on magistrates apply to stipendiary magistrates? I am assuming that they do.

My hon. Friend the Member for Darlington mentioned county courts. As I said, I was a frequent visitor—as a lawyer, rather than as a litigant—so I have great fondness for them. Having also sat as a deputy district judge, I know that they are an underused resource and that justice can be seen to be done in those forums.

The explanatory note states that there are about 170 county courts, and there is nothing to assume that that is wrong, but will the Minister clarify whether there will be a programme of rationalising county courts over the next five years? Will we see some county courts being closed?

On the removal of jurisdiction, when a claim is issued from a certain area, does it follow where the person lives or where it arose? What will be the situation on jurisdiction when we have only one county court area? Will there be consequential changes to the civil procedure rules as a result? Clearly they will have to be amended. Has there been any discussion with the judges, particularly those in the county courts, of those points?

The Solicitor-General: I will start with clause stand part, which will not take long, and then I will go on to the more detailed points. Clause 16 overhauls the structure of the civil and family court system in England and Wales. It is not seismic like the other changes that the hon. Member for Darlington mentioned; it is an overhaul. It has been widely welcomed and it makes a difference to the administration and efficiency of the courts. Few, if any, individuals or businesses want to become involved in court proceedings, but if they do, they want a system that is accessible, efficient, effective, proportionate and resolves their dispute. It is with those principles in mind that clause 16 will establish a single county court and a single family court for England and Wales.

Through the single county court, court users will experience a more efficient, proportionate and speedier resolution of their disputes. While court users will continue to have access to local county court centres, they will benefit from a more responsive and consistent service based on modern technology and centralised administration systems that have been operating for many years in the private sector.

Taking up the point made by the hon. Member for Walsall South, at the moment, proceedings are issued in individual courts. If a case is to be heard anywhere else, it has to be transferred, and none of the administration can easily be done on a national basis. We want all cases to be heard appropriately in a court near home that suits the litigants, but regarding the overall administration of the system, bearing in mind that most cases are not contested, it makes a lot of sense to move to a national method of processing cases.

Quite a lot of work has been done on the matter in Salford, where there is now a money claims centre, which deals with money claims of up to £5,000 on a

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national basis. At the moment the rules and administration are, as I have described them, clunky. Having a national court will remove those problems. Cases can be filed in the county court rather than local county courts, and administratively they can be dealt with on a national basis. We believe that will be much more effective. The change will not alter the experience of having a case heard locally.

The creation of a single family court will mean that a user can make an application to that court, rather than having to work out whether to make the application to a county court, a magistrates court or the High Court. Cases will then be allocated to the appropriate level of judge, depending on factors such as the type of case and its complexity. The flexibility that will create should benefit the court user, as early identification of the appropriate level of judiciary will help to minimise delays and unnecessary case transfers.

The single family court will provide a framework for the more efficient use of administrative and judicial resources. The effective listing and allocation of cases and the provision of management information are important ways of reducing delay and cost.

Steve McCabe: Before the Minister moves on, I may have misunderstood something, so will he clarify how the changes will work? There seems to be evidence at the moment that some solicitors, because of the clogged-up nature of city courts, are going to other areas—perhaps to out-of-town courts. Under the system that the Minister is proposing, will cases be distributed to courts after being centrally collected? What provision will be made to ensure that a person's hearing takes place in an area that they can readily access?

The Solicitor-General: The purpose of the allocation process is to find what level is required and then to place the case in a convenient location for the litigants. That is the aim.

At the moment, as the hon. Gentleman rightly says, one court can end up being snowed under while another court nearby is not. Doing the obvious thing—having a case heard in the neighbouring court—is quite difficult, because courts are individual institutions, and one has to make an application to transfer. It is difficult to provide a simple convenience of that sort.

New clause 4 asks for a periodic review. When the Courts Act 2003 was debated, there was discussion of the need for the Lord Chancellor to make an annual report on an efficient and effective system to carry on the business of the courts. An annual report is required of him, in which he has to set out exactly what is happening with the courts. Clearly, if there is a change in the courts, as there is under the Bill, he will be expected to report on how it is bedding in. I ask the hon. Lady to consider whether it is necessary to impose another formal process on top of that in light of my second point, which is that the Government promised in their impact assessment that there will be post-legislative scrutiny of both the single county court and the single family court within five years of Royal Assent. That time lag will ensure the new arrangements have bedded in.

There are two duties. First, there is an annual report, which will have to address how the measure is working. If something is missed out and the hon. Lady wishes to take it up when the report is published, there are parliamentary processes by which she can do so. Secondly, there is the five-year review.

3.15 pm

Andy McDonald (Middlesbrough) (Lab): Will the review cover the previous arrangements, which were on a national basis? Recent changes mean that proceedings are not issued in a local county court; they are issued in Salford county court and administered in Northampton, which has caused great confusion in the legal profession, as well as delays. Will the review consider how efficiently that arrangement has worked? My experience as a practitioner is that trials might be shifted at the last minute if a particular county court is overburdened and court staff are able to transfer trials to a neighbouring court, and in Middlesbrough that would either be Newcastle or Leeds.

The Solicitor-General: The hon. Gentleman makes a perfectly valid point. With the present system, as he rightly says, people are a bit confused, because having lodged a claim concerning matters in, say, Durham, they receive papers that refer to Northampton county court, Northampton processing centre, or whatever the current wording is. That is one of the reasons for the change to a national county court; obviously, there will be a processing centre in Salford for money claims. The process will be more transparent and understandable, and will also avoid a lot of the rules.

There are clusters of courts. Luton county court, for example, sits in other places, such as Stevenage magistrates court, from time to time. The hon. Gentleman is right that Luton may decide to transfer a case to Stevenage because that is still Luton county court, but when it wants to go to a nearby county court that is not part of the group, that is difficult. The measure means that cases may be allocated to sensible places without all the problems of procedure.

As well as post-legislative scrutiny after five years, Her Majesty's Courts and Tribunals Service has a transparency agenda, and it routinely publishes performance data, including clear information on the effectiveness of court centres and on how long it takes to decide cases in the civil, family and criminal jurisdictions. All that information will be provided.

Additionally, a complaints analysis and feedback database collects information from courts and tribunals across the organisation; it captures information on the number of customer complaints received, the reason for the complaint, how quickly it was responded to and whether the issue was resolved. That is all collated and routinely reviewed by Her Majesty's Courts and Tribunals Service. Clearly, if there were concerns about the roll-out, questions could be asked and information made available for consideration. The thrust of new clause 4 is absolutely right. We need to review such matters. However, I ask the hon. Lady to consider whether the four items that I outlined will cover them.

Information for court users is another important matter. The general view of the Courts and Tribunals Service is that it works better when customers are better informed, and the benefits of effective dispute resolution

need to be explained to people. One of the thrusts behind the legal aid proposals for the family court that were discussed earlier is the idea that more mediation, when legal aid is available, will be of benefit to families going through very difficult divorces and cases involving children. Hopefully, it will be possible to reach more agreements.

The process needs to be monitored carefully, because if it does not happen and there are many more self-represented parties, that needs to be known as quickly as possible. It is the Government's policy intent that we shall have a more human, effective mediated system rather than having so many cases going to court with all the rancour and misery that can involve.

As for the Government's digital platform, the GOV.UK website is the primary portal for information and guidance on all the Government's services. Information was published last month. The Ministry of Justice will shortly publish its own digital strategy, which outlines that it will make use of GOV.UK. As part of that, the Ministry and its agencies will ensure that appropriate information and support is provided to assist the public to navigate its systems. There will be an online signposting service that explains how help can be obtained from the not-for-profit sector—CABs and the like—and there will be a primary access point for clients or organisations looking for assistance to resolve a problem. It will take people through the eligibility test for legal aid and direct people to the right source of assistance, if it is not available. The online service is scheduled to go live on 1 April this year.

Valerie Vaz: I appreciate what the Minister is saying, but in my experience people turned up at court at the last minute, just before the hearing. The Opposition are considering the information given to those people, and the access to justice and independent legal advice that people used to have. I had several cases when people lost their homes. The Law Society says that there are not that many housing lawyers now. Information immediately before the court hearing is needed. Along with that and the cuts in the services of CABs at particular courts, will the hon. Gentleman consider the possibility of an independent bureau at certain county courts?

The Solicitor-General: "Independent" is the key word. It is not right for the Courts Service to give legal advice. It can give advice about the forms and procedures, and hand out leaflets. It should have a proper service at courts, so that if a hearing is going ahead, people are received by the usher, and if the witnesses are vulnerable, arrangements will be made for them to be separated from people who they should not be near, and so on.

The hon. Lady is right. One of the key issues is signposting people to the citizens advice bureaux or other services that are available to give them help. That is something that we aim to achieve in three ways: telephone services, the online digital service and for people who need an appointment, the Department is looking carefully at what arrangements can be made for a person to have a face-to-face interview. For many people, a telephone and a digital service allows them to examine the information in their own time. It is available 24/7 and is quite a good system for most people.

In addition to the services that the Ministry of Justice is providing, the Department for Work and Pensions has a part to play. It has a web application called "Sorting out separation," which was launched in November last year. It is part of the Government's help and support for separating families initiative, which was designed to co-ordinate expert support services to help parents and couples work together to achieve what is best for them and their children. It would be my hope that it would also give some fairly clear direction about what to expect from separation and the various steps involved. The Courts and Tribunals Service provides information on various dispute resolution avenues, and signposts customers to a whole range of information, not just through digital means, but in leaflets available centrally and from court buildings, libraries and the like.

I have a lot of sympathy for the points that the hon. Member for Darlington made, and I shall cover two or three of the additional points she raised—although I shall do it quickly, because I am told that I am trespassing on the good will of the Whip. As far as court closures are concerned, it is of course true that both this and the previous Government closed courts. I think most people would agree that the Courts and Tribunals Service is operating pretty successfully within its reduced estate. Currently, there is no plan for further reductions. If so, it would be an entirely separate exercise and there would be the usual consultation.

There has been considerable improvement in the performance of the Court of Protection and the Office of the Public Guardian, where there were backlogs. The hon. Lady can ask me more about that if she wishes. In terms of counter modernisation, there is a difference between the counter and the ushers. Steps are being taken to look at what are the right hours for the counter service and whether appointments might be a better way forward, but at the moment the service remains. That is probably enough to offer the hon. Lady the opportunity to withdraw her new clauses.

The Chair: Order. There is no need for the hon. Lady to withdraw her new clauses at this stage. She has the opportunity to consider the Solicitor-General's answer, and she will have the opportunity to proceed at a later stage, if she wishes. If she would like to make a contribution now, she is very welcome.

Jenny Chapman: I shall make a very brief contribution. I am grateful for the Chair's guidance to the Minister on hurrying me to withdraw my new clauses. I am happy to withdraw new clause 4, but I reserve the opportunity to test the will of the Committee on new clause 5, which I understand can be done at a later time.

I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Question put and agreed to.

Clause 16 ordered to stand part of the Bill.

Schedule 9 agreed to.

Schedule 10

THE FAMILY COURT

The Solicitor-General: I beg to move amendment 49, in schedule 10, page 150, line 28, leave out

'legal adviser or assistant legal adviser'

and insert

'justices' clerk or an assistant to a justices' clerk'.

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

Government amendments 50 to 68.

Amendment 74, in schedule 10, page 158, line 8, after 'legal adviser', insert

'provided the functions are deemed to be essentially administrative in nature (for example, case management decisions)'.

Amendment 75, in schedule 10, page 158, leave out lines 12 to 23.

Amendment 76, in schedule 10, page 158, leave out lines 24 to 27.

The Solicitor-General: The Government amendments in this group are technical and pertain to the naming of the justices' clerk and the assistant to the justices' clerk. We thought about a change to "legal advisers," but have changed our minds, and will stick with the original, tried and tested "justices' clerk" and "assistant to the justices' clerk," as in the Courts Act 2003.

Amendment 49 agreed to.

Amendments made: 50, in schedule 10, page 157, line 40, leave out from '31O' to end of line 3 on page 158 and insert

'Justices' clerks and assistants: functions'.

Amendment 51, in schedule 10, page 158, line 8, leave out 'legal adviser' and insert 'justices' clerk'.

Amendment 52, in schedule 10, page 158, line 9, leave out from 'a' to end of line 11 and insert

'justices' clerk given under paragraph (a), or specified in subsection (5), to be carried out by an assistant to a justices' clerk.'.

Amendment 53, in schedule 10, page 158, line 12, leave out 'legal adviser' and insert 'justices' clerk'.

Amendment 54, in schedule 10, page 158, line 17, leave out 'adviser' and insert 'clerk'.

Amendment 55, in schedule 10, page 158, line 18, leave out

'adviser thinks that the adviser'

and insert

'clerk thinks that the clerk'.

Amendment 56, in schedule 10, page 158, line 25, leave out 'legal adviser' and insert 'justices' clerk'.

Amendment 57, in schedule 10, page 158, line 27, leave out 'legal adviser' and insert 'justices' clerk'.

Amendment 58, in schedule 10, page 158, line 28, leave out 'legal adviser' and insert 'justices' clerk'.

Amendment 59, in schedule 10, page 158, line 32, leave out 'legal adviser' and insert 'to a justices' clerk'.

Amendment 60, in schedule 10, page 158, line 33, leave out 'legal adviser' and insert 'justices' clerk'.

Amendment 61, in schedule 10, page 158, line 37, leave out

'legal adviser or assistant legal adviser'

and insert

'justices' clerk or an assistant to a justices' clerk'.

Amendment 62, in schedule 10, page 158, line 43, leave out

'legal adviser or assistant legal adviser'

and insert

'justices' clerk or an assistant to a justices' clerk'.

Amendment 63, in schedule 10, page 159, line 11, leave out from beginning to end of line 13 on page 160.

Amendment 64, in schedule 10, page 160, line 22, leave out

'regulations under section 31P(4) or'.

Amendment 65, in schedule 10, page 160, line 24, leave out 'regulations or'.

Amendment 66, in schedule 10, page 169, line 2, at end insert—

51A In section 144 (procedure rules for civil proceedings in magistrates' courts and before justices' clerks) after subsection (1) insert—

(1ZA) Subsection (1) does not apply in relation to functions of justices' clerks given under section 31O(4)(a), or specified in section 31O(5), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court).'".

Amendment 67, in schedule 10, page 174, line 14, at end insert—

'( ) After subsection (2) insert—

(2A) Subsection (2) does not apply in relation to functions of a justices' clerk given under section 31O(4)(a), or specified in section 31O(5), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court, but see section 31O(4)(b) of that Act).'".

Amendment 68, in schedule 10, page 174, line 20, at end insert—

87A In section 34(2) (no order for costs in legal proceedings to be made against justices' clerk or assistant in respect of acts or omissions in exercising functions of a single justice of the peace) after "function of a single justice of the peace" insert "or a function of the family court or of a judge of that court."'.—*(Oliver Heald.)*

Schedule 10, as amended, agreed to.

Schedule 11 agreed to.

Clause 17

YOUTH COURTS TO HAVE JURISDICTION TO GRANT GANG-RELATED INJUNCTIONS

3.30 pm

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

The Chair: With this it will be convenient to discuss new clause 7—*Extension of section 37 and section 47 of the Children Act 1989 to youth courts*—

'(1) The powers of direction of courts—

(a) under section 37 of the Children Act 1989 (including the power to direct the local authority children's service to investigate whether a child is at risk of suffering significant harm); and

(b) under section 47 of that Act to direct a local authority to intervene to safeguard and to promote a child's welfare

shall extend to youth courts.

(2) Such powers shall be available to youth courts throughout any criminal proceedings and in any family proceedings concerning the welfare of a child.

(3) In any investigation pursuant to the foregoing subsections, the local authority shall consider whether it should—

(a) apply for a care order or supervision order with respect to the child;

(b) provide services or care to the child or his family; or

(c) take any other action with respect to the child.

(4) It shall be in the discretion of the youth court to adjourn sentencing until such local authority investigation has concluded and the findings thereof have been notified to the court.

(5) Any youth court in which the powers under this section are to be or may be exercised shall include on its panel at least one member of the Family Court.'.

Mr Burrowes: I am grateful for the opportunity to speak to new clause 7 as part of the stand part debate. I feel enthused, as though I have been in a trap waiting to be set free, a little like the dogs of old that ran around Walthamstow stadium. The rabbit I am after in this case is not the Government. It is one which, in many ways, we all take hold of. It is a recognition about young people, in particular when they are in the jurisdiction of the youth court. This is an area on which we all agree.

In the debates on the Criminal Justice and Immigration Bill—the right hon. Member for Delyn and the hon. Member for Sedgefield served on that Committee, which went through the Bill line by line—there was consensus about youth court provisions. Young offenders come before the youth court with a whole package of issues, such as drugs, alcohol, mental health concerns and education. It is right that there are orders before that court to deal with those requirements. I must declare an interest, because I was a criminal defence solicitor. When I reflect on my filing cabinets before I was elected in 2005, those factors were prevalent with most young people. But many also had family issues. More often than not the father was not present or involved, and often there were other complications. There are issues of real concern around the family, and that forms the context for the new clause.

Family issues are also relevant to clause 17, and it is right that we debate them. When we try to tackle the scourge of gangs, which is an issue relevant to most of our constituencies, certainly those in north London—there are a number of projects in Enfield and Walthamstow that aim to tackle this area—we need to prevent the problem at an earlier stage, and tackle reoffending. In the early stages, mentoring projects can be useful, and Chance UK has recently kicked off a mentoring project in Enfield. However, it is important to have a number of tools in the box, which is why I support the tool of gang-related injunctions. Enfield was the first north London borough to impose a gang-related injunction on a gang that was causing mayhem. That tool, along with many others in the box for prevention and enforcement, has led to a 50% reduction in antisocial behaviour and gang-related crime in Enfield.

Clause 17 will allow that important tool to be available to youth courts. The power should be available. In Enfield, it has helped ensure that gangs in our patch receive prison sentences of 14 months. The explanatory note makes it clear that the clause is in the Bill to allow courts with the most appropriate facilities and expertise in dealing with young people to consider these matters. That forms the backdrop to new clause 7, which aims to ensure that youth courts, which have the expertise and facilities to deal with family-related issues, also deal with gang-related matters. Some cases that need urgent action in terms of enforcement and injunction involve, not far beneath the surface, family-related issues. The new clause seeks to allow youth courts to deal with issues of family concern.

Over the years, I have spoken to many magistrates who have been involved with youth courts, and many who are also involved in the family courts—many magistrates are both on the youth court and the family panel. They express frustration that when they see before them cases that have family issues bubbling under the surface, they want to get them into the family court as soon as possible so that appropriate investigation and reports can take place and those welfare concerns are dealt with.

This chimes with the Government's principle, which has been outlined, of having a system where the jurisdiction meets the particular area of litigation—a triaging process to get people into the right court. We have that flexibility, which has been welcomed across all sides of the House, in relation to community justice, whether it is the Red Hook Harlem scheme in the United States, in Liverpool or elsewhere. We want to make sure that the court process fits the wide-ranging needs of somebody who comes before the court.

Clause 17 recognises that. It allows the youth court to sit in a civil capacity in order to impose an injunction. That is a good example of the flexibility that we can allow the court through jurisdictional changes, the powers to fit better the circumstances before them, and to make use of the activities and what is coming before youth courts. There are good examples of where this is already working well in the present system. I do not suggest that there needs to be a major overhaul. There are examples of children's services working well with the youth offending team, and when someone does come before the youth court, early work has already taken place and there is no need for further intervention.

There are cases when someone is up before the youth court for a first offence and is most likely going to receive a referral order. This is a good and important opportunity which, as I have seen myself, can sometimes be missed when there is a desire to move people through the system quickly to impose a short referral order and then a package happens away from the court. What can be missed is, yes, dealing with some issues around offending and trying to prevent reoffending, but also the welfare concerns of that young person. The statutory duty on all those within the youth courts to try to get beneath the surface again and make interventions in proportionate terms is what is missed.

There can also be those more serious cases where one hopes there has been earlier involvement with family intervention where sadly they have slipped through the system. In many ways, when they are before the criminal justice system, along with their own responsibility for offending, it is also testimony to a failure of the system. Sadly, the criminal justice system ends up as the dumping ground for people with serious welfare problems that many of us recognise should have been dealt with earlier through intervention. At the very least, once they are in the court system they should be tackled appropriately.

Another example that has been brought to my attention by magistrates and which I see a lot of in my area around the North Circular road, is children begging, stealing and causing problems in the streets around London. That happens all too often. Obviously there is a need to try to deal with that through enforcement, to tackle some of the antisocial problems around that. However, beneath that surface and of us wanting diversion

[Mr Burrowes]

orders and things like that, all too often these children are part of an organised and exploited activity, run by people who are really the prime culprits. Sadly, they can often be carers and others around them. It is that example where we need to allow the youth court the opportunity to investigate further, rather than hope that somehow they will end up with the family court dealing with these issues, when they will be long gone. So it is about trying to make the most of the opportunity to deal with a child's welfare.

This new clause has some record behind it. It was most recently welcomed in the last few days by the family law committee of the Law Society, which said:

"'The Law Society's Family Law Committee, comprised of specialist practitioners working day-to-day in the field, welcome the proposed amendment. The youth courts often have young people appear before them who they are concerned about from a welfare perspective. It is a serious lacuna that there is at present no route by which the courts can secure the involvement of children's services. In the view of the Committee, it must be the right for the option to be made available to the youth court".

Baroness Butler-Sloss, who was the eminent President of the Family Division, has expressed particular support for this amendment. She sought to raise the issue through previous legislation in 2008 in the other place. The Centre for Social Justice has also welcomed it, saying it was recommended in its 2012 paper "Rules of Engagement". It said,

"it will mean that young people's offending can be responded to in the context of their families and will ensure that those at risk of harm receive the protection and support they need. It is vital that local authorities are held accountable as part of the effort to change young lives and reduce reoffending".

We can go back further still. The Centre for Child and Family Law Reform, chaired by Professor Hugh Bevan in 2004, proposed a similar change to the law to enable the transfer of cases from the youth court to family court. Let us go back even further, to 1997. I know that the right hon. Member for Delyn will know this well: it will have been in the manifestos of some of my right hon. Friends as they sought to return to this place. In March 1997, the Home Office consultation said this, on page 26:

"Under the law at present, the Youth Court is not able to refer children to the Family Proceedings Court for consideration of a care or supervision order. It is possible that this might be a useful additional power which would enable the Youth Court to deal more effectively with difficult children. The Government would welcome views on this proposal".

We then had an election, and the rest is history. I am not one to reinvent the wheel; that proposal was good then, when we were in government. There have been a few changes along the way, not least that we are now in coalition, but there may still be some civil servants around who were involved in drafting that proposal, and I am sure my right hon. Friends would have wanted to fulfil the purposes of that consultation of March 1997 had they been returned to Government.

It has been the will of successive Governments not only to prevent reoffending but to get to its roots and try to tackle those problems, because of concern about the welfare of children. I want to bring us back up to date, to a body that has informed much of our work in government—certainly on the Conservative side of the coalition—the Centre for Social Justice, with which I have had some involvement. Its report, "Rules of Engagement", made some key points on this issue. That report was not based on a whim, or some think-tank policy discussions; the centre was out there, in the field, and talked to 200 professionals, in over 70 hours of hearing evidence. It stated:

"There is a consistent failure by many local services to provide support to prevent offending and reoffending. The youth justice system is subsequently operating as a dumping ground,"—

that was its phrase—

"sweeping up the problem cases that other local authority services have failed to address. A large number of Youth Offending Teams (YOTs) have informed us of the difficulties they experience in obtaining the necessary input from children's social services: children in trouble with the law are not seen as a priority and do not reach the thresholds required to access support."

The report goes on to say that

"the youth justice system is often failing to provide a holistic, family-based approach to youth offending: opportunities are missed to work with families when parents or siblings are involved in the justice system; and there is significant variation in the extent to which YOTs are working with both young people and their families."

I recognise that there are very good examples of good practice, with youth offending teams and services working well, but there are not enough. Sadly, more often than not—I say that as someone who has been involved in the world of the criminal court—the tendency is to respond to children's offending in isolation from family problems, from which criminality so often flows. Cases could be referred to the family proceedings courts but are not, even when there are serious child welfare concerns.

That brings me to the new clause, which seeks to extend sections 37 and 47 of the Children Act 1989 to youth courts. The intention is to give the youth court new powers to respond to concerns that a child is likely to suffer significant harm attributable to the standard of care given to the child at home, or to a child who is beyond parental control. I know, as will others involved with the youth court system, that many children will sadly come within that bracket. The powers that the new clause seeks to be made available to the youth court in the same way as they are available to the family court are those under section 37 of the Children Act, to enable investigation by local authority children's services, and under section 47 of that Act, to allow intervention to take place.

Subsection (5) of the new clause seeks to deal with the concerns that some people might have about whether the youth court is sufficiently experienced to deal with particular family court issues. I know that many a magistrate is already experienced to deal with those issues, but it is important to ensure that the proposed new power would not be overused and would not lead to an already overburdened system having to deal with many an order for investigation and report. Subsection (5) is designed to provide some assurance that there would be a family-court-trained member of the bench in place when the powers were exercised.

The other aspect I should tackle is the question whether the provisions would cause too much of a burden. Section 37 of the Children's Act is used when a court thinks it may be appropriate to make a care supervision order. The time scale is defined as one of eight weeks for local authorities to report back. The referring court then has to spell out its reasons very

carefully. Guidance was put in place in 1993 to ensure that that power was not used in an unjustified way or overused; that guidance is quite proper as the power needs to be used proportionately.

3.45 pm

Steve McCabe: I shall be brief. I have quite a lot of sympathy with what the hon. Gentleman is proposing. However, it sounds like an extension of court powers to place new obligations on local authorities at a time when most local authorities' children's departments cannot cope with looking after vulnerable children and the strain on their services as it is. How will he ensure, if the amendment is accepted, that it is possible for it to be enacted?

Mr Burrowes: It is an important and practical concern. It is important that it is dealt with proportionately and with caution. At the same time, one should recognise that costs come in different ways. If there is not an appropriate intervention and appropriate information such as a report at an earlier stage, then down the line it could be much more expensive and more problematic for both the courts and the social system. It simply needs to be dealt with proportionately. The practical side of the issue should not negate the need for courts to be empowered.

There is also the question whether there should be a section 41 power, which would need to be in place for a child to access Children and Family Court Advisory and Support Service guidelines for their own representation. The issues of legal aid and the implied costs also raise concerns. However, it is important that we have a proportionate power in place so that there can be an investigation in cases that need it; otherwise, we will allow too many cases to slip through the net, and that will not do us any good in terms of reoffending and also the welfare of the child.

Stella Creasy: Mr Caton, may I add my congratulations on your chairing of us this afternoon? I welcome the other Ministers who have joined us this week. They missed a lot of fun last week. I hope we can make up for it this week.

I rise to speak to both new clause 7 and the clause 17 stand part debate. I welcome the intent of the hon. Member for Enfield, Southgate. He and I share a concern about gang violence, having seen at first hand its impact on our local communities. I cannot debate gang violence in this place without mentioning some of the people we have lost in Walthamstow in the past two years or so. Tommy Overton and Ezekiel Amosu were bright young boys cut down in their prime through senseless violence. We know that gang injunctions are there to deal with gang violence. That is an important point to make in relation to the clause. It is important that gang injunctions are used in the spirit in which they were set out, which is not as a curative for gangs, but as part of a series of tools to enable us to tackle the problems that gangs cause.

We know the problems that gangs cause across the country and that there is a cost to the public purse. We know that gangs are responsible for 50% of shootings and one in five stabbings in London—both north and south London. I must include Croydon, although I have not been there often. I know that youth violence is a problem there, and I appreciate that the Government are putting a lot of money into tackling gangs.

We support the issues that the hon. Member for Enfield, Southgate is raising, but we want to understand how the transfer of powers will affect the ways in which other services are designed to work with gangs, particularly youth offending teams and the role of local authorities. We want to know how such things will be tied together in the move towards the youth courts, which we support. How will they cope? My hon. Friend the Member for Birmingham, Selly Oak mentioned the cuts in local government, particularly the cuts to youth offending teams, which have had a 20% reduction in their budgets.

We know that youth offending teams were due to be formally consulted before gang injunctions were applied for, especially if they are applied for with notice. We are concerned to understand how the power is now being used. Obviously, gang injunctions have already been in place for a year or so. We have some local authorities, mine included, using them and welcoming the powers that they give, but as the transfer takes place, we need to know how many gang injunctions have been required. How many are without notice and so do not involve the youth offending team, and how many are interim orders? I hope that the Ministers will commit to getting that information to us, because so far it has eluded us.

There is a formal role for a youth offending team in being a link body. Trying to look at issues around welfare and safeguarding, and ensuring that local authorities use the powers that they have around the welfare of the child, means that as the transfer takes place, and were the amendment to be passed, there would be a question about who would take primary responsibility for managing and dealing with the young people and dealing with the reasons why they joined the gangs. As we have already said, gang injunctions should never be seen as a curative, but should be part of an armoury of tools available to tackle and disrupt violent behaviour and leading to positive intervention, for example mentoring and displacement of activity. We must ensure that we do not inadvertently ask the courts to lead that work, but that we join up expert services at the local level. Our concern is to ensure that youth offending teams are part of the mix. If the new clause is accepted, there would be reference to them in the Bill. I hope that the Minister, on hearing the Opposition's support for the issues being raised on the Government Benches, will look at what he can do in the Bill to make that happen.

I have a couple of concerns about how youth courts will operate. The majority of young people affected by gang injunctions at the moment are male, but the consequences of such injunctions may extend to young girls; young girls are joining gangs too. Clearly, there are issues about the kinds of orders that might be made—particularly on the civil injunction side, such as a gang injunction—that need addressing. We need to reflect the different needs of young women, particularly those at risk of sexual exploitation. Again, there are issues of welfare, well-being and safeguarding.

There is an issue about how gang injunctions join up with the Government's broader agenda on troubled families. We know that many families with domestic violence—we will come on to the troubled families agenda—tend to have children who are involved in

[Stella Creasy]

antisocial behaviour and gangs. There are many links there, and it is important that we have a system that understands them. Building safeguarding into the discussion on gang injunctions will allow us an opportunity to have that conversation.

Crucially, one of the reasons why we support building safeguarding into gang injunctions is the strong link between young people who get involved in gangs and siblings or relatives. We want to ensure that in dealing with a young person whose behaviour may merit a gang injunction, there is a wider discussion about any other young people who might be affected or induced to be involved in gangs through that relationship.

The children's panel will have an opportunity to look at safeguarding, but we want it to draw on the expertise that youth offending teams offer in dealing with such issues. It is therefore important for there to be co-ordination in the resources that are pulled in.

The report by the joint inspectorate published last December talks about the poor care that we give to looked-after children. There is a strong connection between gang behaviour and looked-after children. One of the issues raised by the report is displacement. One of my concerns is that youth offending teams are already being stretched and are being asked to take young people not from their areas through the measures of a gang injunction; in south-east Kent, 20% of the case load is not from the Kent area. That places a burden on local authorities and on the organisations in the area that are dealing with gang members.

Displacement is not necessarily a bad thing, but it is important for there to be recognition of what impact that might have. Again, a local safeguarding board and a formal relationship with the courts in making provisions will provide information about the impact of such an assessment. If someone was placed in an inappropriate area, where there may be other links to members of a gang, that could be raised in conversations to make sure that it is right to make that injunction.

I do not want to speak for long; I know that Members are completely focused on this debate and not at all on the debates regarding the boundary changes. Like everyone else, I have to declare an interest, especially if Walthamstow is abolished.

I ask the Minister to provide us with information about gang injunctions and how they are being used, and to confirm that youth offending teams will be involved in youth courts, with the same roles that they have when they are involved in Crown courts.

I also ask the Minister to clarify how resources will be made available to ensure that gang injunctions, where they are used, are not seen as alternatives, but as a complementary measure to deal with gang behaviour, and that local authorities are able to deal with them. Will he support the new clause tabled by his colleague the hon. Member for Enfield, Southgate regarding safeguarding to ensure that young girls, siblings and those in care are properly afforded the support that they need to break the chains of bad behaviour that lead to gang violence, and to ensure that we all benefit from that impact? I join the hon. Member for Enfield, Southgate in pointing out that, while the process may seem to be of a high cost, if we consider that we spent £133 million to deal with the consequences of the riots alone, having failed to deal with the causes of violent youth behaviour and with gangs, it is a price that none of us can afford to pay in the long term.

Damian Green: Let me start with new clause 7. I am fascinated that one of the many eloquent arguments made by my hon. Friend the Member for Enfield, Southgate did not appear in the 1997 Conservative manifesto. As someone who is proud to have been first elected to this House under that manifesto, even I would not necessarily regard every comma of that to be a guide to political success or prosperity, remembering what happened next.

As my hon. Friend explained, new clause 7 relates to the powers of youth courts when dealing with a child whom they consider to be at risk of significant harm. I absolutely sympathise with the outcomes that he and the hon. Member for Walthamstow seek to achieve. I hope that I can persuade them that the amendment is unnecessary, given the existing powers available to the courts.

Protecting children is self-evidently of the highest importance. It is essential that there are clear links between local youth justice and children's services at both strategic and operational levels in order to achieve that. The current process for helping a young offender at risk of harm is relatively straightforward. When a young offender comes in contact with a youth court, they are referred to a youth offending team for an assessment covering the welfare of the child, including whether they are or have been abused or neglected. If the assessments raise any concerns, the youth offending team is responsible for referring cases to local children's services so that any action necessary to safeguard the child and promote their welfare is taken.

When such a case is referred to children's services by a youth offending team, it is for the local authority to assess the child's needs and determine what steps are necessary to respond. Local authorities have wide-ranging powers. They can take robust action to obtain urgent orders for the immediate protection of children, as well as applying to the court for a care order to allow the authority to share parental responsibility and make long-term plans for the child's care if it considers it to be in the child's best interests. Decisions to intervene in families are not easy, and are not taken lightly. Local authorities have statutory responsibilities to safeguard children. Furthermore, they have experienced staff with the skills required to assess children's complex needs in often challenging circumstances, in order to make such sensitive and difficult decisions.

Youth courts already have a power under section 9 of the Children and Young Persons Act 1969 to request a local authority to investigate the circumstances of children appearing before them, and local authorities have a duty to provide such information. Those provisions are little used, if ever. I believe that that reflects criminal courts' acceptance that the youth offending team is, in the vast majority of cases, delivered by local authority children's services and should be the primary conduit for securing information about the child and ensuring that wherever necessary, referrals are made to the local authority's safeguarding services.

The focus of section 9 of the 1969 Act and section 37 of the 1989 Act are slightly different, but both cover the courts' powers to request information from local authorities and local authorities' duties to provide such information and take other action. Unlike section 37 of the 1989 Act, section 9 of the 1969 Act does not explicitly require the local authority to consider applying for a care or supervision order. However, if as a result of investigations under section 9 there is reasonable cause to suspect that the young person is likely to suffer significant harm, the local authority has a duty under section 47 of the 1989 Act to consider whether it should take any action to safeguard or promote the child's welfare. That could include applying for a care or supervision order.

Section 47 of the 1989 Act does not enable a court to direct the local authority to intervene as new clause 7 suggests. However, it does impose a requirement for local authorities to investigate whether there is reasonable cause to suspect that a child is suffering or likely to suffer significant harm, and to take action on the basis of what they find. When there is a need for the child's immediate protection, that could involve seeking an emergency protection order to remove the child to a place of safety and then making an application for a care order.

The Government believe that, as local authorities will have responsibilities for the continuing care of looked-after children, it should be for those same authorities to determine whether it will be necessary for children to enter care. In the new single family court, it would then be for a judge in the family court, who could be a magistrate or a judge, to decide whether it is in the best interests of the child to grant such an order. I hope that I have reassured my hon. Friend the Member for Enfield, Southgate enough to enable him to withdraw the new clause.

The hon. Member for Walthamstow spoke about gang injunctions. Central Government does not routinely collect information about the take-up of gang injunctions, but the information we have suggests that in excess of 100 gang injunctions have been granted so far since January 2011. We are also aware of case studies when gang injunctions have made a real difference to local communities by preventing gangs from operating in specific streets where they have previously caused serious problems.

The take-up of gang injunctions for those under 18 years old is slower, but at least three are in place. Discussions are happening with the Courts and Tribunals Service as part of the transfer to the new court on how the data will be collected for under-18s. The hon. Lady also mentioned the troubled families programme. Progress is certainly being made with that. Families are now being identified and worked with, and more than £100 million has been paid out to local authorities to help implement the system and the changes required.

Stella Creasy: I very much appreciate the figures that the Minister has given. Does he mean that 100 gang injunctions have been issued for respondents over the age of 18 or does that figure include those under the age of 18? I am worried; I think that there are three in my borough alone, so I am not sure that that figure is entirely right. Can he clarify whether the gang injunctions were with notice or without notice, or is he including interim gang injunctions?

Damian Green: I do not have the pieces of information to hand on the last couple of matters. I will certainly write to the hon. Lady about them. The figure of 100 injunctions includes those over the age of 18 as well.

Clause 17 makes changes to how the court system deals with gang injunction applications for under-18s. In essence, it transfers the jurisdiction of gang injunction applications from the county court or the High Court to the youth courts sitting in their civil capacity. When gang injunctions were originally introduced, it was felt that the civil court was best placed to hear the applications due to its expertise in handling civil injunctions. That remains the case for adults. However, following discussions with practitioners, we have reached the conclusion that that the youth court is best placed to deal with gang injunctions for 14 to 17-year-olds as well.

Youth courts have more appropriate processes, as well as tailored facilities for dealing with under-18s, such as the inclusion of appropriate adults for the young person, automatic reporting restrictions and appropriate and adequate security, including tagging facilities or cells if a young person needs to be held overnight. They also have expertise in handling and sentencing young people, and an understanding of the support structures they need. Obviously, they are familiar with the protocols and have access to technology that will aid bail decisions.

Clause 17 aims to ensure that gang injunctions for under-18s are handled efficiency and effectively. I commend it to the Committee.

The Chair: Mr Burrowes, you have been invited to withdraw your new clause. In fact, this is not the time to do so. The only question before us is whether clause 17 stands part of the Bill. You can reserve your decision on whether you wish to press it to a later stage in the Committee's deliberations, but you are very welcome to participate again in the debate.

Mr Burrowes: I am grateful for the opportunity to reflect on what the Minister says. I ask him to note the continuing concern of practitioners and the Youth Justice Board. Perhaps it will lead to some changes. They support the key points of principle. I hope the Minister will take the time to consider.

Question put and agreed to.

Clause 17 accordingly ordered to stand part of the Bill.

Schedule 12 agreed to.

Ordered, That further consideration be now adjourned—*(Mr Syms.)*

4.3 pm

Adjourned till Thursday 31 January at half-past Eleven o'clock.