PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

First Sitting

Tuesday 13 December 2016

(Morning)

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not later than

Saturday 17 December 2016

The Committee consisted of the following Members:

Chairs: Mrs Anne Main, † Phil Wilson

† Caulfield, Maria *(Lewes)* (Con)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Fellows, Marion *(Motherwell and Wishaw)* (SNP)
† Fernandes, Suella *(Fareham)* (Con)
Green, Kate *(Stretford and Urmston)* (Lab)
† Hoare, Simon *(North Dorset)* (Con)
† Kennedy, Seema *(South Ribble)* (Con)
† Lewell-Buck, Mrs Emma *(South Shields)* (Lab)
† McCabe, Steve *(Birmingham, Selly Oak)* (Lab)
† Merriman, Huw *(Bexhill and Battle)* (Con)
Milling, Amanda *(Cannock Chase)* (Con)
† Siddiq, Tulip *(Hampstead and Kilburn)* (Lab)
† Syms, Mr Robert *(Lord Commissioner of Her Majesty's Treasury)*
† Timpson, Edward *(Minister for Vulnerable Children and Families)*
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)
† Whately, Helen *(Faversham and Mid Kent)* (Con)

Farrah Bhatti, Katy Stout *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 13 December 2016

(Morning)

[Phil Wilson *in the Chair*]

Children and Social Work Bill [*Lords*]

9.25 am

The Chair: Before we begin line-by-line consideration, I have a few preliminary announcements. Please switch all electronic devices to silent. Tea and coffee are not allowed during sittings.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the recording of written evidence for publication. In view of the time available, I hope that we can take those matters formally, without debate.

Ordered,

That—

(1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 13 December) meet—

(a) at 2.00 pm on Tuesday 13 December;

(b) at 11.30 am and 2.00 pm on Thursday 15 December;

(c) at 9.25 am and 2.00 pm on Tuesday 10 January;

(d) at 11.30 am and 2.00 pm on Thursday 12 January;

(e) at 9.25 am and 2.00 pm on Tuesday 17 January;

(2) the proceedings shall be taken in the following order: Clauses 1 to 32; Schedule 1; Clause 33; Schedule 2; Clauses 34 to 50; Schedule 3; Clauses 51 and 57; new Clauses; new Schedules; Clauses 58 to 64; and remaining proceedings on the Bill; and

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 17 January.—*(Edward Timpson.)*

The Chair: The deadline for amendments to be considered at Thursday's sitting of the Committee was rise of the House yesterday. The next deadline will be 4.30 pm on Thursday 5 January, for the Committee's first sitting after Christmas, on Tuesday 10 January. The Clerks will circulate an email about arrangements for tabling amendments during the recess.

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—*(Edward Timpson.)*

The Chair: Copies of written evidence that the Committee receives will be made available in the Committee Room.

We now begin line-by-line consideration of the Bill. As a general rule, my fellow Chair and I do not intend to call starred amendments. The required notice period in Public Bill Committees is three working days, so amendments should have been tabled by rise of the House yesterday for consideration on Thursday. The selection list for today's sittings is available in the room and on the website. It shows how the selected amendments have been grouped for debate. Grouped amendments are generally on the same or similar issues. A Member who has put their name to the lead amendment in a group is called first; other Members are then free to catch my eye to speak on all or any of the amendments in that group. A Member may speak more than once in a single debate.

At the end of the debate on a group of amendments, I shall call again the Member who moved the lead amendment. Before the Member sits down, they need to indicate whether they wish to withdraw the amendment or seek a decision on it. If a Member wishes to press any other amendment or new clause in a group to a vote, they need to let me know. I shall work on the assumption that the Minister wishes the Committee to reach a decision on all Government amendments that are tabled.

Please note that decisions on amendments do not take place in the order in which they are debated but in the order in which they appear on the amendment paper; in other words, debate occurs according to the selection and grouping list. Decisions are taken when we come to the clause affected by the amendment.

In line with the resolution of the Programming Sub-Committee, new clauses will be decided after we have finished with clause 57 and before we move on to clause 58 and subsequent clauses. I shall use my discretion to decide whether to allow a separate stand part debate on individual clauses and schedules following the debate on the relevant amendments. I hope that that explanation is helpful.

Clause 1

Corporate parenting principles

Mrs Emma Lewell-Buck (South Shields) (Lab): I beg to move amendment 18, in clause 1, page 1, line 8, leave out "have regard to the need".

Amendments 18 to 25 impose a duty on a local authority in respect of how it carries out functions in relation to children and young people.

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

Amendment 19, in clause 1, page 1, line 10, at beginning leave out "to".

See amendment 18.

Amendment 20, in clause 1, page 1, line 12, at beginning leave out "to".

See amendment 18.

Amendment 21, in clause 1, page 1, line 14, at beginning leave out "to".

See amendment 18.

Amendment 22, in clause 1, page 1, line 16, at beginning leave out "to".

See amendment 18.

Amendment 23, in clause 1, page 1, line 19, at beginning leave out "to".

See amendment 18.

Amendment 24, in clause 1, page 2, line 1, at beginning insert "have regard".

See amendment 18.

Amendment 25, in clause 1, page 2, line 3, at beginning leave out "to".

See amendment 18.

Mrs Lewell-Buck: It is a pleasure to serve under your chairmanship, Mr Wilson. I welcome all Committee members to this sitting. As this is my first time on the Front Bench in a Bill Committee, I ask everyone to bear with me. I am happy to take any guidance from those in the room who are more experienced than I am.

First, I would like briefly to echo some comments made in the other place about the rushed pace and hurried nature of the Bill. Noble Lords expressed concern that the Bill had not been carefully thought out; they were right, of course, because thanks to their diligent work the Bill before us is markedly different from the one that was introduced. The legislation appears not to have been made in response to any particular burning issues or needs—nor, despite its being a Bill about children and social workers, does it appear to be built on extensive consultation with children or social workers.

Steve McCabe (Birmingham, Selly Oak) (Lab): My hon. Friend commented on how extensively the Bill has changed; my understanding is that we are on more or less the fourth version. If there was extensive consultation, how come the Minister brought the Bill before Parliament in a condition so inadequate that it needed to be changed so substantially before it got here?

Mrs Lewell-Buck: That is a question that the Minister might answer. I hope that the Bill will be changed again after our deliberations in Committee—so there may well be a sixth or seventh version.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Does the hon. Lady acknowledge that part of the reason for a Bill Committee, whether in the Lords or the Commons, is scrutiny, and that if that results in change it shows the strength of the system, rather than weakness?

9.30 am

Mrs Lewell-Buck: It shows strength on the part of the Lords who made the amendments, but weakness in the Government who introduced a Bill in need of so many changes.

Since Second Reading last week, I have been inundated with expressions of concern that the Bill has progressed so rapidly to Committee without any sittings to take evidence from the sector or agencies that work closely with vulnerable children. Neither the Opposition nor the sector and the agencies working in the field feel particularly comfortable about the Bill's passage through Parliament. My amendments would strengthen the wording, in expectation of the local authority's having an active duty to make the provision in question, and remove the weaker, passive expression, "have regard to".

Of course, when Labour was last in government, it introduced the first ever statutory framework for care leavers, the Children (Leaving Care) Act 2000, and followed that with the Children and Young Persons Act 2008. It is clear that the party is committed to children who are leaving care. We welcome any measures that make improvements for the thousands of care leavers, whose numbers are due to grow—bearing in mind that the March figures for looked-after children were the highest since 1985, at 70,440. It is more vital than ever to get support for care leavers right.

We also welcome the spirit of the corporate parenting principles, with the clear definition of expectations about how the local authority should fulfil its role in relation to looked-after children and care leavers. We feel, however, that the principles are totally undermined by the fact that the provision will require local authorities only to "have regard" to them rather than have a duty to fulfil them, as is the case in Scotland, for example.

In another place, Lord Nash said the principles are

"about changing and spreading good practice, and making sure that the local authorities' task in loco parentis does not burden them with a tick-box approach and extra duties."—[*Official Report, House of Lords,* 29 June 2016; Vol. 773, c. 1558.]

I have sympathy with that approach, but I fear that, as it stands, it is too woolly and open to interpretation. There is a clear need for the emphasis to shift from the reactive to the proactive. Unless the principles are worded more robustly, local authorities, which may strive to do their best as corporate parents, may nevertheless be obliged to cut corners, especially in these times of stretched budgets. We cannot just rely on culture change or assume that, if there is no duty, new principles will be put into practice just because they exist in theory.

There is already far too much variation in levels of care, because different local authorities have different numbers of looked-after children and children leaving care. All too often, because of the Government's disproportionate approach to local government cuts, it is the local authorities in the most deprived areas whose budgets have been cut the most. The Government's misguided idea that they can deliver the outcomes they seek through culture change, without looking at any of the underlying challenges that face councils around the country, is absurd.

Simon Hoare (North Dorset) (Con): Will the hon. Lady take it from me that reductions in local government expenditure have happened across the country? This myth that it is the more deprived, northern towns that have been hit hardest is just that—a myth.

Mrs Lewell-Buck: Unfortunately, I completely disagree with the hon. Gentleman. The most deprived local authorities have received the biggest cuts.

Steve McCabe: If the hon. Member for North Dorset is right, perhaps he can tell us how it is that some Tory-controlled authorities up and down the country have seen an 8% increase in their funding, while other parts of the country have seen an 8% reduction.

Michael Tomlinson: That's not true.

Steve McCabe: It is true.

The Chair: Order.

Mrs Lewell-Buck: The fact is that local authority budgets have faced swingeing cuts since the Tories first took office in 2010. The Bill simply passes more roles on to local authorities without ensuring that they have the necessary resources. That reflects the very worst of this Government's approach to local government: to cut budgets first and to devolve power and responsibility later, without ensuring that the local authorities can properly deliver the services.

I do not wish local authorities to take on their corporate parenting responsibilities as a tick-box exercise. If they did, I fear that that would indicate that they had fallen

[Mrs Lewell-Buck]

at the very first hurdle in terms of good practice. I do think, however, that it is important to give the principles the weight that they deserve by ensuring that they are as robust as possible.

Flexibility in practice is important, but strengthening the wording in no way prohibits local authorities from carrying out their functions as they see fit. If a new system is to become embedded in a nationally uniform way and not to become another postcode lottery, it is crucial that local authorities know from the outset that the corporate parenting principles are a priority and not an option. Too often, the services that children most in need of state help receive are reduced to a postcode lottery. That can be seen in the funding for children in need of help and protection: the local authority with the highest funding has available more than 13 times the funding per child than the most poorly funded authority.

We are concerned that the corporate parenting principles as drafted will amount to another postcode lottery. Simply requiring local authorities to "have regard to" the principles of corporate parenting, rather than there being a statutory duty, will add to the risk. When local authorities must only have regard to principles, the serious risk is that only those local authorities with the resources that others do not have will be able to deliver. To address that, the Government should guarantee a legal duty to abide by the corporate parenting principles to deal with the underlying challenges facing local government—challenges of the Government's own making.

Corporate parenting is one of the most important roles that a local authority has. Local councillors take the responsibility extremely seriously. It is important that the role is not diluted and remains closely linked to democratic accountability. However, the principle of corporate parenting cannot simply end with local authorities. All agencies working closely with looked-after children and care leavers, although they are not corporate parents, should co-operate in support.

Children who rely on the corporate parenting principles will often have complex needs. Local authorities alone will not always be able to meet those needs. A full range of agencies, despite not being corporate parents themselves, will need to work in co-operation to support those young people's complex needs. In particular, health and education have a vital role in ensuring the best possible outcomes for children in care. Once again, however, the Government have not gone far enough with the principles to ensure that young people in the care of the state will get the support that they need.

We welcome and support the principles of corporate parenting, but the Government seem to be simply hoping that new responsibilities for local authorities "to have regard" will be enough. In reality, unless the principles are a duty, they will for some children remain meaningless—empty words in an Act of Parliament, without any real impact on their lives. Those children need actions and not words, and "having regard to" something rarely translates into real action.

The Minister for Vulnerable Children and Families (Edward Timpson): It is a pleasure to serve under your chairmanship, Mr Wilson, both this side of Christmas and in the new year. In the run-up to Christmas, I am looking forward to a cracker of a Committee, full of joy and, I hope, understanding.

I know the hon. Member for South Shields will be wondering what present I have brought for her this year, but I will wait to hear what she wants first. I apologise in advance if what she asks for is either out of stock or outside my budget range. I will listen carefully to the case she makes and do my best to try and fulfil her wishes.

I am also grateful to the hon. Lady for this opportunity to re-emphasise the importance of clause 1, which in many ways is the beating heart of this Bill. The intention behind amendments 18 to 25 is to ensure that the corporate parenting principles cannot be ignored and are meaningful. I am equally determined to ensure that. That is why the clause states that a local authority "must…have regard to" the needs identified in the clause as the corporate parenting principles, rather than simply "may" have regard to them. A local authority must take account of the needs articulated in subsection (1)(a) to (g) whenever they carry out any local authority function in relation to looked-after children and care leavers.

Framing the duty in terms of "having regard to" is the right approach. Local authorities already have a range of statutory duties in relation to looked-after children and care leavers that derive from the Children Act 1989 and its associated regulation, which set out a long list of statutory duties that underpin our current child protection system and also create a strong and robust system within which the corporate parenting principles may be operated.

Steve McCabe: It is an honour to serve under your chairmanship, Mr Wilson. If the principles are the beating heart of the Bill, will the Minister take some time to explain the major distinction between the seven principles and the duties in the 1989 Act? On the one hand we have clear duties imposed on the local authority, and on the other we have a new piece of legislation setting out new principles that local authorities must only "have regard to". The implication is that one is an obligation and the other is simply something that they should have regard to. What is the distinction between the duties and the principles that made it necessary for the Minister to bring these principles forward?

Edward Timpson: I am grateful for the hon. Gentleman's question, because it is important that local authorities understand how this sits within their wider duties as the corporate parent for children in their care.

The principles do not sit in isolation. Clause 1 ensures that existing local authority duties and responsibilities for looked-after children and care leavers are carried out with these principles in mind. It requires local authorities to consider how they carry out all their functions in relation to looked-after children and care leavers. The principles sit above the local authority's substantial current duties towards looked-after children and care leavers within existing legislation. Those duties remain unchanged; the corporate parenting principles are intended to inform how local authorities fulfil those duties and promote a culture in which all parts of the local authority contribute to their role as corporate parent.

The hon. Gentleman will know as well as I do from his period shadowing me and the time he has spent talking to local authorities and children in care that we are trying to ensure that the responsibility for children in a local authority's care does not just sit at the door of social workers; it should be the responsibility of the whole council under the seven principles we have set out. The principles give lead members for children's services and independent reviewing officers a lever to help to achieve just that, both at a strategic level and for individual young people. It is important that the Committee knows that statutory guidance—we have provided a draft—will underpin the principles to make them as clear as possible.

9.45 am

Local authorities also carry out a range of other provision functions, including housing, council tax and so on, which can have an impact on looked-after children and care leavers. Importantly, the principles do not duplicate or replace those duties; they are there to inform, in a proportionate and flexible way, how the existing duties should be carried out. In other words, when carrying out all existing local authority responsibilities, they must pay attention to the seven key needs in subsection (1)(a) to (g).

Simon Hoare: My hon. Friend mentioned local authorities on a number of occasions in relation to the clause. Subsection (3)(a) to (f) sets out what local authorities are, but are county borough councils, such as Cheltenham Borough Council, also included? It mentions district councils and London borough councils, but there is no reference to shire boroughs.

Edward Timpson: My understanding is that it is relevant to borough councils such as the one my hon. Friend mentions, but I will ensure that I have complete clarity on that point, because it is imperative that this proposal covers the whole of local government where it has responsibility for the children in its care.

Removing "have regard to" would constrain local authority discretion, which is not the outcome we are looking for. Instead, we want to achieve a culture change so that the corporate parenting principles genuinely inform how existing duties are carried out. For example, if the local authority is fulfilling a refuse collection function to a care leaver, the need to promote high aspirations may not be entirely relevant to that function—I think we can all see that. It is something that the authority must have regard to, but it can take the view that it is not possible to do anything towards meeting that need when exercising a particular function, hence the need for local discretion and proportionality. On the other hand, when fulfilling housing functions it may be relevant to have regard to the need to secure the best outcomes for care leavers. To that end, the needs identified in the clause must work in a way that is proportionate, meaningful and pragmatic.

The clause articulates for the first time the guiding principles that will change local authorities' culture and practice when they discharge their responsibilities as corporate parents. That approach is supported by Dave Hill, the president of the Association of Directors of Children's Services. We want to encapsulate in the corporate parenting principles a set of clear and helpful priority needs for this group of children and young people. We want them to be reference points for the local authority to take into account across the discharge of all its functions. That means that everyone in the authority—not only front-line staff in children's social care and leaving care services, but all local authority services—will have regard to those needs when carrying out functions in relation to care leavers and looked-after children.

Helen Whately (Faversham and Mid Kent) (Con): My hon. Friend is talking about how the whole local authority must take responsibility for care leavers. Does he anticipate that the principles will mean that local authorities are far less likely to place children out of their local area and put them into care in other local authorities, and that they will place children outside their boundaries only in exceptional circumstances?

Edward Timpson: My hon. Friend is right to raise what is still an ongoing issue in many parts of the country. I know that many children, often from central London, are placed out of area in Kent, where her constituency is. Although in a small number of cases there is a clear justification for doing so relating to the young person's needs, we hope that the corporate parenting principles will bind the local authority's decision making together, so that when a final view is taken on where the child is best placed to meet their needs the local authority will look at how it can improve its local provision, set against the corporate parenting principles, which include housing and the wishes and feelings of the young person. I anticipate that the corporate parenting principles will provide a better mechanism for ensuring that those who are charged with the responsibility of finding the right path for those young people do so in a way that enables them to find a placement that is in keeping not just with their wishes but their needs, which more often than not means being much closer to home than in some cases currently.

Steve McCabe: Further to the point made by the hon. Member for Faversham and Mid Kent, would not the receiving authority also be bound by the corporate principles, so that if a child were placed outside the borough, the receiving authority would be subject to all these principles in the way it looked after the young person in exactly the same way as if they were placed in borough?

Edward Timpson: That is a helpful clarification. For any child who is placed in a local authority's area, the corporate parenting principles will apply to that local authority. That duty to act on their behalf in their best interests does not end or not start because the child is moving around the system.

One thing we want to get away from are the artificial boundaries that have been put up by virtue of local government lines that do not always serve children well, although it may be more comfortable for those who are carrying out those function not to think about what happens beyond their borders. That is an issue that is becoming more prevalent, with children being moved around the system, losing track of where they are living and their circumstances. We know that makes them extremely vulnerable. The strong message that comes out of this Committee, having heard both sides, is that

[Edward Timpson]

these principles should be seen as a national cause, not just a local one, so that every local authority and all its officers ensure that they fulfil its responsibilities as a corporate parent.

Steve McCabe: I want to ensure that I have understood this. That was a very helpful contribution from the Minister and I understand exactly what he is trying to achieve, but I am curious about what would happen in a situation where a child is placed out of borough and the child or their advocate argues that one of the authorities is acting in accordance with some of the corporate principles but the other one is not and is therefore obstructing the quality of their care. How would that situation be resolved, given that the object of the exercise is to ensure the best care and to make this a national set of principles?

Edward Timpson: In some respects, in what I hope are very limited cases, that situation already arises, where a child or young person has been moved out of their host local authority and they are not content with the arrangements that have been set up in the new local authority. *[Interruption.]* Will the hon. Gentleman bear with me? They may want to pursue that through the advocacy that they are entitled to. We are seeking to ensure that when that situation arises, though we hope it does not in the vast majority of cases, if at all, there is whole local authority ownership of that issue and that transcends local authority boundaries. That would ensure greater consistency of approach, not just from social workers but those who are responsible for housing and other functions of that local authority.

If the hon. Gentleman looks at some of the changes that we have already made to the residential care system for children, if a child moves out of area, that has to be signed off by the director of children's services of the host local authority and there has to be a proper level of consultation and agreement between the local authorities as to what the arrangements will be. The aim is to ensure a good and consistent level of service provided by both the local authorities, irrespective of where the child happens to be between the two of them—in some cases it is more than two.

It is important to recognise that these seven principles and the areas they cover are designed to touch every aspect of that child's time in care. By having to have regard to those principles, we will end up in a situation in which local authorities more widely are taking account of their responsibilities more seriously, irrespective of the type of placement that child or young person is in, their age, their background, or the sort of placement that is best suited to their needs. The whole point of having statutory guidance is to try to assist local authorities in coming up with practical ways, as well as engendering the culture change we want to see, to make sure that we get the improvements that we want to be part of.

Tulip Siddiq (Hampstead and Kilburn) (Lab): It is a pleasure to serve under your chairmanship, Mr Wilson; this is my first Bill Committee, so please bear with me if I ask questions that seem obvious. I understand that someone could be moved out of their local host borough. If they move to another borough, who has the primary responsibility for the child and where is their assigned social worker: in the host borough or the new borough?

Edward Timpson: The original local authority where that child was taken into care continues to have overall responsibility for their care. That is why it is important that they co-ordinate very closely with the receiving local authority to ensure that the child is cared for as well as they possibly can be. When that breaks down, it is often a consequence of the host local authority not having that real sense of responsibility and, in a sense, passing that responsibility on to the receiving local authority. That should never be the case.

In my previous life as a family law barrister, I was involved in cases where local authorities were unaware of where a child was living in the local authority to which they had been transferred. That is unacceptable, and it is exactly the sort of issue that Ofsted would be interested in when inspecting a local authority. What we are really trying to push for with these principles is to ensure that we get that continued level of interest, responsibility and determination, with local authorities still seeing those children as a high priority when fulfilling their role as corporate parent. That should never be diluted because the child happens to be moving around the system geographically.

Having grown up with foster siblings, I also know how important it is to demonstrate consistently that someone cares for and supports these children and young people; that someone worries about their safety, their relationships and their aspirations, and that they will help them realise their ambitions. Most children and young people are fortunate to have families who do that for them, but I want that for looked-after children and care leavers, too. As the local authority stands in place of these children's parents, it is important that they should seek to act as any good parent would, as I said a few moments ago. If we take an examination of Ofsted reports that tell us where that is done well—Trafford, Hackney, Hertfordshire and Lincolnshire—we see that that is where corporate parenting is at its strongest. That is what this clause is designed to do, and what I believe it will achieve.

As was the case in the other place, this group of amendments seeks to ensure that corporate parenting principles are meaningful and practical. I believe that they are. Ofsted already has corporate parenting firmly on its radar. The inspection framework refers to corporate parents nine times, and I have no doubt that inspectors will have these principles clearly in their sights when they assess how well a local authority fulfils its corporate parent role. I have already had the pleasure of discussing this clause with Ofsted's lead on social care, Eleanor Schooling, and I am confident that they will understand and want to test how local authorities are responding to these new principles.

As well as the wording of the clause, local authorities and Ofsted will have the statutory guidance that will be made available under this clause. As I have alluded to, that will include more detail on how the principles will work in practice, and the importance of embedding them within the culture of the organisation, driven by strong leadership from the top, as well as examples of how each principle could be applied on the ground. We plan to consult formally on draft guidance in the new year.

10 am

Looked-after children deserve the best possible start. Local authorities, as their corporate parents, have a responsibility to ensure that they adopt an approach to facilitate that happening. That is why clause 1 is a pivotal clause in the Bill. I hope that all I have said provides the reassurance the hon. Member for South Shields is seeking, and that she will withdraw her amendment.

Steve McCabe: I do not want to take up too much of the Committee's time. Having listened to the Minister, I am in no doubt about his aspirations. I also had the benefit of shadowing his post in the previous Parliament, and I have no doubt that his actions are well intentioned. However, I wonder whether he will be able to achieve his ambitions with this set of proposals, which is why the amendment tabled by my hon. Friend the Member for South Shields is of such significance. The danger here is that we have a set of words but no guarantee that they will translate into action.

I would have liked the Minister to explain to the Committee why there are seven principles in the first place. There were three others suggested in the House of Lords, but they were rejected out of hand. The Minister has made no reference to those whatsoever, and we have been left almost short-changed in terms of the information we have. The danger of not making this a duty is that although the Minister might think that this is the heartbeat of his legislation, to other people it looks like window dressing. The statute books are littered with children's legislation that has been nothing more than window dressing.

That is why we should take advantage of this opportunity to probe exactly what these principles will do. If they are that important, why is the Minister not prepared to insist that local authorities should act on them? It is hard to find fault with their general wording, but I wonder whether in fact they give local authorities a great many opportunities to dance around the issues.

I note that the Minister spoke of his desire not to straitjacket local authorities, which was his reason for saying that they must "have regard to" the principles, rather than imposing them as duties. He took as his example clause 1(1)(e), about having high aspirations. I want to probe that a little further to see what he really has in mind. Are those aspirations governed by the local authority's view of what might be high aspirations?

Once a child comes into care, their health is likely to deteriorate, particularly their mental health, which has a 50% greater chance of resulting in some kind of episode. Their education is likely to deteriorate, which is why we have created the post of virtual school head. That is why there was so much emphasis in what the Minister did in the previous Parliament on trying to raise children's educational aspirations. Whose aspirations are we talking about: the local authority's, the child's, their natural parents' or their advocate's? Who will determine what is a high enough standard for that child? The rest of us would determine for our own children, and we would want the absolute best for them. But when the Minister talks about aspirations, whose decision will be the determining factor?

The Minister talks about not wanting to straitjacket the local authority. He gave an interesting example about refuse collection not necessarily being an area where one would want to tie the local authority into aspiration. On the surface, I would agree with him. He went on to say that in the case of housing that might be different. What about the quality of housing that a young person is placed in? Does that not affect aspiration? What about the level of the repair service they receive, if the place is in a difficult, high-rise block with mould and water running down the walls? What about the local environment that the young person is placed in? If the local authority deems it all right to put them in a run-down block of flats in a difficult part of town, where the walls are littered with graffiti and there are needles, syringes and broken bottles everywhere, does that not affect a young person's aspiration? Should that not be something the Minister is telling us about?

Actually, clause 1(1)(e) has a huge impact on how that young person is affected. If these principles mean anything at all, should we not be leaving the Committee absolutely certain that the Minister for Children and Families is saying that the principle of aspiration, as defined in clause 1(1)(e), means that no longer will any local authority be allowed to place a child in the appalling environmental conditions that can do nothing but diminish their aspiration and affect their overall wellbeing and health?

I want to check on one other thing. In the other place, Lord Nash referred to the Minister for Vulnerable Children and Families. Has the Minister had a change of role? Has something been slightly altered? If these principles apply specifically to vulnerable young people, I wonder what that distinction is. We all know that many kinds of young people come into care, driven by many different factors, but often those who have suffered the worst neglect and abuse are the most vulnerable. If he is saying that an additional level of consideration should be applied to them, it would be good to know that.

I understand the Minister's point—this was raised by the hon. Member for Faversham and Mid Kent—about a young person received into care by one authority who then lives in another authority. He will know as well as I do the tragedy of that. It is probably best exemplified by events in Rotherham and Rochdale. When these children, often from the south of England, are transferred to authorities in the north of England, they are completely forgotten. That is why it was possible for some of the terrible things that happened there to take place and go unnoticed. The Minister said that both authorities would have responsibility. When I pursued him on the question of conflict between authorities, he assured us that the present system is designed to cater for that. I want to raise that question once more, in relation to the point his hon. Friend the Member for North Dorset made at the outset of the Committee about the different levels of cuts and finance available to local authorities.

If a child is received into care by one local authority and then sent to live in the care of a different local authority, and if there is a set of proposals for their welfare—their education, for example, or perhaps they need counselling because of trauma they have suffered, or particular needs that were identified through an assessment following their placement—and it is deemed that they should receive a particular kind of formal support, what would happen if the local authority that received them then refused on the basis that its budget situation had since changed substantially, to the extent

[Steve McCabe]

that it could no longer afford that service? Who would be responsible for ensuring that these principles were applied? Would it be the local authority where the child is now residing, which would undoubtedly argue that the bill had to be picked up by the local authority that had received the child into care?

I raise that point because, as the Minister said at the outset, these principles are the heartbeat of his legislation. The principles are worthless unless we know exactly how they will be applied and how they will directly affect the interests of a particular child. If the Minister cannot give us a graphic description of how that would work, these are empty principles; they are not principles that underpin a better future for children. Otherwise, this is empty legislation and these are empty words on paper that will litter the walls and shelves of social work offices up and down the country and contribute nothing to the welfare of the young people we are concerned about.

The Minister should therefore consider once again whether his principles are so essential to his legislation that they should be applied as a duty to the local authority, which should have no wriggle room from addressing them. That is the only way he will ensure that he gets the outcomes that I am sure he wants to achieve.

Tulip Siddiq: I note what the Minister said about a holistic approach to looking after these children. He mentioned front-line staff and the council working together as a whole, which I agree with. I was a councillor for many years in a council that is rated in the top three boroughs in the country, and I was also a cabinet member. We faced a £80 million shortfall overall and I had to make a 30% cut to the services that I was in charge of. Although I appreciate the sentiment behind these principles and I think they are very timely and needed, will the Minister comment on the fact that councils are stretched? Front-line staff are disappearing because they cannot afford to keep them on, and councils are struggling to provide even the basic services because of the lack of funding.

This is not a political point. Councils across the country are struggling with what I saw first-hand. I appreciate the sentiment that there should be an holistic approach to looking after these children—and I agree that that should happen, because they are the most vulnerable in society—can we carry that out at a time when councils are struggling with their funding because of the cuts to local government budgets from national Government?

Edward Timpson: This debate has been helpful in teasing out a little more understanding of the purpose of the principles. I accept that the principles in themselves are not going to transform the life of every child in care. However, as I have set out, we seek to provide a strong and comprehensive set of principles that will apply to all local authority officers, irrespective of their role, and which will engender a shared sense of responsibility and push to the forefront of their mind the impact of their decisions on children in care and care leavers placed with them.

I want to reassure the hon. Member for Birmingham, Selly Oak, who thinks about these things very deeply and cares about making sure that we come up with an approach that will have a positive impact, that the principles are not set in isolation. All the underlying responsibilities of local authorities remain in place.

10.15 am

As we know, there are myriad clear statutory duties on local authorities. For example, section 22 of the Children Act 1989 sets out local authorities' general duties in respect of looked-after children, such as safeguarding and promoting their welfare and educational achievement, and ascertaining and taking due consideration of their wishes and feelings. Section 10 of the Children Act 2004 places a duty on local authorities to make arrangements to co-operate with the relevant partners in their area to promote the wellbeing of children. Section 11 of the 2004 Act prescribes the bodies and people in England who must make arrangements to safeguard and promote the welfare of children. There are, of course, many more responsibilities, coupled with a raft of guidance and regulations that provide further detail as to exactly what local authorities must do to fulfil those responsibilities.

I do not want the hon. Gentleman to come away with the impression that the corporate parenting principles in themselves are what local authorities must ensure they have regard to. Those principles overlay what is a very clear structure of statutory responsibilities that have served well since they were introduced almost 30 years ago.

Steve McCabe: I am not sure whether I have misunderstood; perhaps the Minister can help me. He is quite right to identify all those duties, but am I not right in thinking that in later clauses that deal with innovation, he plans to allow local authorities to opt out of these very duties and responsibilities? He talks about safeguards being applied to children, but he will later tell us he plans to let local authorities give those responsibilities up.

Edward Timpson: I am afraid the hon. Gentleman is wrong. If he looks at the provisions we have introduced, he will see that the sections I referred to are explicitly removed from that ability in relation to the power to innovate. He will also want to familiarise himself with the guidance, which will set out in a more practical and meaningful way how we want local authorities to behave in relation to the principles. At present, many local authorities are fulfilling those duties in a way that is very much aligned with the principles. We do not want to overlay further legislation that puts additional duties on local authorities, when they are already able to do this within the framework that is in place. This is about a shift in approach, not creating new burdens on local authorities.

The hon. Gentleman talked about aspirations. All of us have the highest possible aspirations for any child growing up in the care system, and local authorities must have those high aspirations too. That is what the clause is all about. He gave an example of a young person being placed in housing in an area of deep deprivation, with syringes lying on the floor of alleyways and so on. That, in anyone's reading, would be wholly

inappropriate. I do not think anyone would dispute that someone placing a child in that area clearly does not have high aspirations for them. There is still, as seen in too many Ofsted reports, an acceptance of an unfulfilled level of aspiration for children and young people in that local authority's care.

We want to put front and centre of the Bill a very clear message, backed up by the statutory guidance, to every local authority: "Whether you are a social worker, a housing officer or working in the finance department, you should have high aspirations for this young person. You shouldn't accept second best for them, because you are fulfilling the role of corporate parent, and that should drive you on to ensure you do your very best."

Steve McCabe: As I said, I have great respect for the Minister. There is nothing personal in what I am saying, but he knows as well as I do that there are young people around the country being put in bed-and-breakfast accommodation by local authorities, alongside alcoholics and junkies—it is happening now. If his aspiration is to put an end to that, why does not he legislate for it, rather than giving us principles that local authorities will be able to opt out of, as it suits them?

Edward Timpson: I am sure that the hon. Gentleman knows that we have already tightened the rules on the use of bed and breakfast—local government welcomed that—to try to get the right placement for each young person, depending on their circumstances. I do not want him to give the impression that the principles are the only thing the Government have introduced to try to improve experiences and outcomes for children in the care system.

I want to challenge the hon. Gentleman on his point about the health and education of children in care deteriorating during their time in care. That is not what the evidence suggests. He will have seen the report from the Rees centre, whose research showed that care has an overall positive impact on children. Those in care do better than children in need, in terms of educational improvement. There is no evidence that their health deteriorates, although of course there are individual cases where that does happen. They are more likely to have health checks while they are in care than when they are not.

I reassure the hon. Gentleman that my job title, Minister for Vulnerable Children and Families, does not affect my other responsibilities; in fact, I have even more responsibilities than I did when the name of my portfolio did not include the word "vulnerable". Part of my mission involves the clear and consistent approach that the Government have set out in the "Putting Children First" policy paper, which the hon. Gentleman will have read. That sets out our ambition to improve services in every way, for children in care and for care leavers. *[Interruption.]* I see that the hon. Gentleman has the paper in front of him—he has made my Christmas.

The paper sets out a clear and comprehensive strategy for the period from now to 2020, across the system, for the people working in children's social care, the practice system that they work in, and the governance and accountability that will ensure we know what works and what does not. As a consequence, we will have the opportunity to see more children, with the principles in place, being looked after by those charged with the responsibility. That is the right approach.

The hon. Member for Hampstead and Kilburn raised the issue of how local authorities will be able to do what we envisage, at a time when local government funding is falling overall. The amount that local authorities have been spending on child protection has risen in recent years. That is partly because the number of children in care has gone up, but also because local authorities are taking the responsibility seriously. I welcome her support for the principles, but as for the impact of funding on the quality of children's social care services, she will have seen that there is no correlation that can be determined between the amount that a local authority spends on services, and their quality and the outcomes for children. Some of the lowest-spending authorities have the highest outcomes for children in their care, and some of the highest-spending have some of the worst outcomes.

I suggest that the hon. Lady look at Hackney, not all that far from her constituency, to see how it turned around children's services to the extent of being able to bear down on the overall cost. The services there work earlier and better with families, reducing the number of children who come into care, which means they can spend the money they have on improving services for the children who are in their care. I challenge the presumption that if we spend more money we get better services. That is clearly not the case. Of course we need to ensure that local authorities have sufficient funding to carry out their functions, but there is also room for them to ensure that they get the best possible value for the children in their care.

Mrs Lewell-Buck: The Minister has said that spend has increased and that is not related to quality in some local authorities. How does he explain that? Does he agree with the National Audit Office conclusion that that indicates that none of his Government's reforms since 2010 have yielded the desired results?

Edward Timpson: The hon. Lady is right to reference the NAO report, because the NAO was the proponent of the suggestion that there was not a correlation between spend and quality of service. We need to understand better why some local authorities are able to deliver better services for less money. As she will appreciate, this is a complex area, and there is still work to do to get under the skin of why the looked-after population is still rising in some local authorities but falling in others. That is partly to do with greater awareness and earlier intervention in families. In the past, particularly in cases of neglect, children were left in the care of their parents for too long.

Mrs Lewell-Buck: Will the Minister give way?

Edward Timpson: I am trying to give the hon. Lady a full explanation. Different circumstances in different local authorities drive decisions about funding and the outcomes that that funding achieves. We have recently signed a formal agreement with Ofsted so that we can more effectively share our data with one another—the NAO report asked for that—and have much more contemporaneous read-outs of how local authorities are performing, help them make better decisions about how to spend money and understand better as a Department what baseline funding local authorities need to carry out an efficient and effective service.

Mrs Lewell-Buck: I thank the Minister for giving way again. He touched briefly on early intervention. Does he accept that one of the reasons why more children are coming into care is perhaps that his Government's cuts have led to a lack of early intervention services, family support work and Sure Start centres? I know from practice that those things can keep families together and prevent children from going into care.

Edward Timpson: It will be no surprise to the hon. Lady that I do not accept that proposition. As I say, this arena is more complex than that. It is worth reminding the Committee that not every child who comes into contact with a children's centre inevitably ends up in the care system. Only a small proportion do so and have some support off the back of that. We want to capture those children as early as possible—I agree with her about that—but we must also provide targeted support for children in need who are on the edge of care so that their families get the support they need to keep them together, as Hackney has done successfully, rather those children slipping into and sometimes bouncing in and out of the care system, which is often the worst of all worlds for them.

I pray in aid the work that we have done through the innovation programme to try to improve local authorities' response to this difficult and complex issue. I accept that there is more work to be done, but the programme that we set out in the "Putting children first" policy paper is a good and strong response to that challenge. On that basis, I ask the hon. Lady to withdraw her amendment.

Mrs Lewell-Buck: I have listened carefully to the Minister's response. The key thing he said, which sticks in my mind, is that these principles should be those of all good parents. Any good parent would therefore see these principles as a duty, not something to "have regard to" or ignore at will. They would not do that, and neither should any of us. I will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 1]

AYES

Creasy, Stella	McCabe, Steve
Debbonaire, Thangam	
Lewell-Buck, Mrs Emma	Siddiq, Tulip

NOES

Caulfield, Maria	Syms, Mr Robert
Fernandes, Suella	Timpson, Edward
Hoare, Simon	Tomlinson, Michael
Kennedy, Seema	Whately, Helen
Merriman, Huw	

Question accordingly negatived.

Clause 1 ordered to stand part of the Bill.

Clause 2

LOCAL OFFER FOR CARE LEAVERS

10.30 am

Mrs Lewell-Buck: I beg to move amendment 27, in clause 2, page 3, line 10, at end insert—

'(6A) The Secretary of State must publish a national minimum standard for a "local offer for care leavers".

(6B) When developing a national minimum standard for the purpose of subsection 6A the Secretary of State must consult relevant agencies responsible for the provision of services under subsection (2).'

This amendment would introduce a national minimum standard for a local offer for care leavers, which is to be developed in consultation with relevant parties.

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

Amendment 26, in clause 2, page 3, line 20, at end insert—

'(e) unaccompanied asylum seeking children up to the point that they leave the United Kingdom.'

This amendment introduces an additional definition for "care leavers".

New clause 13—*Review of access to education for care leavers*—

'(1) The Secretary of State must carry out an annual review on access for care leavers to—

(a) apprenticeships,

(b) further education, and

(c) higher education.

(2) The first review must take place by the end of the period of one year beginning with the day on which this Act is passed.

(3) A report produced following a review under sub-section (1) must include, in particular, an assessment of the impact of—

(a) fee waivers,

(b) grants, and

(c) reduced costs of accommodation.

The report must be made publicly available.'

New clause 16—*National offer for care leavers*—

'(1) The Universal Credit Regulations 2013 are amended as follows—

(a) in regulation 102(2)—

(i) in paragraph (a) after "18 or over" insert "and paragraph (b) does not apply";

(ii) in paragraph (b) after "16 or 17" insert "or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25";

(b) in regulation 103(2)—

(i) in paragraph (a) after "18 or over" insert "and paragraph (b) does not apply";

(ii) in paragraph (b) after "16 or 17" insert "or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25";

(c) in regulation 104(2) after "18 or over" insert "and section (3) does not apply".

(d) in regulation 104(3) after "16 or 17" insert "or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25".

(2) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 are amended as follows—

(a) in regulation 4(1), Second Condition, after paragraph (b) insert—

"(c) is aged at least 18 and is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016, and is under the age of 25, and undertakes not less than 30 hours work per week."

(3) The Housing Benefit Regulations 2009 are amended as follows—

(a) in regulation 2, in the definition of "young individual", in each of paragraphs (b), (c), (d), (e) and (f), for "22 years" substitute "25 years".

(4) The Local Government Finance Act 1992 is amended as follows—

(a) in section 6(4) (persons liable to pay council tax), after "etc)" insert "or 10A (care leavers)";

(b) in Schedule 1 (persons disregarded for purposes of discount), after paragraph 10 insert—

"Care leavers

10A (1) A person shall be disregarded for the purposes of discount on a particular day if on the day the person is—

(a) a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016; and

(b) under the age of 25."

(5) The Council Tax (Exempt Dwellings) Order 1992 is amended as follows—

(a) in Article 3, Class N, after paragraph 1(b) insert—

"(c) occupied only by one or more care leavers within the meaning given by section 2 of the Children and Social Work Act 2016 who are under the age of 25."

(6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.'

Mrs Lewell-Buck: Amendment 26 and new clauses 13 and 16, which I shall speak to, also stand in my name.

A child's transition from being in care to becoming a care leaver is a notoriously difficult process. Supporting care leavers by offering them the relevant information about services they can access is welcome. That, however, will not address the need for proactive support for all care leavers or ensure that they all have the advice and information they need. Without setting a national minimum standard for the local offer, the very real risk is of a patchwork of provision across the country, where children in one area are offered a different level of service from that offered in another.

The Minister knows what happened with his Department's implementation of a local offer for children with special educational needs and disabilities, introduced under the Children and Families Act 2014; I hope he will tell us why he thinks that the offer for children leaving care will not develop in the same haphazard way. If an idea has failed once and is not working as it should, surely duplicating it is not the best way to proceed.

At the time, we welcomed the principle of the local offer for learners with special educational needs and disabilities. As we recognised, it is important that those learners and their families receive the information necessary to achieve the best possible outcomes. However, two years later we have seen the local offer in practice, and it has not achieved all that it should have. Frankly, because of the lack of a national framework, we have ended up with a postcode lottery—an inconsistent and sadly often inadequate provision has therefore developed across the country.

The fact that the Government have not looked at those issues and taken steps to ensure that the local offer for care leavers operates in a high-quality national framework simply suggests, perhaps, that they are willing to repeat the same old mistakes. I am in full agreement with the noble Lord Watson, who pushed for the amendment in another place. Having no common policy throughout the country is unacceptable. I argue again that the amendment is necessary. A minimum standard for the offer is needed, to serve as a framework, an undertaking, about the availability of services throughout the country.

The Minister will argue against the amendment, perhaps on the premise that the Government feel that they should not be deciding what is best for care leavers in their local area—that the local authorities and care leavers should decide themselves. That, however, is a straw-man argument. What we are asking for is simply a minimum standard so that whatever else is decided, there is a minimum level of protection for our most vulnerable children who are leaving care.

Stella Creasy (Walthamstow) (Lab/Co-op): I apologise to the Committee; I am afraid the Victoria line was not my friend this morning. I arrived as the shadow Minister was talking about corporate parenting and how the Bill is about what we should want for our own children. Surely my hon. Friend's argument for a national minimum standard is exactly that; it is about the very basics that we would want for every single child because we would want it for our own child.

The risk of the Government's approach is that, although there may be examples of good practice, there are also examples of poor practice. A national minimum standard would guard against that and protect every child as we would wish our own child to be protected.

Mrs Lewell-Buck: My hon. Friend is absolutely correct. We have seen that the implementation of the local offer for special educational needs and disabilities is just that: an inconsistent approach and a patchwork model across the country.

A minimum level would be a benchmark that could never be lowered but could always be built on and improved. Surely that is the gold standard that we would want for all our care leavers. There is no evidence that introducing a set of minimum standards limits innovation and creativity; it is a simply a failsafe level of care. It would give clarity to both the local authority and the care leaver on what they can and cannot expect.

Care leavers often say that they struggle with what they are or are not entitled to. This would give them absolute clarity and help them plan better for independence. In practice, I lost track of the number of times when I dealt with parents who were themselves former care leavers. I went through everything and told them what they had been entitled to and they did not have a clue. This would be a good way to avoid such situations at the outset. Children should know what they are entitled to. If there is a minimum standard, they will always know what to expect.

A minimum standard would ensure that services offered would not be withdrawn when budgets are further cut by central Government and would let the people we are discussing know that their local authority and other agencies in their area really do care about their future and are committed to it wholeheartedly. Leaving the local offer to each local authority would not achieve that. The Minister must agree that we cannot justify a single child leaving care failing to receive the information that they need.

[Mrs Lewell-Buck]

Will the Minister explain how he will ensure that the local offer will be accessible to all care leavers, whatever their circumstances when they leave care? How will he ensure that every single local authority will provide a local offer that meets the standard necessary to ensure the best possible outcomes for care leavers? Will he be taking any additional steps to ensure that there is not simply another postcode lottery that will leave a vast number of vulnerable young people unable to access the resources and support that they need? We cannot allow discrepancies in the level of care of the scale that I spoke about earlier to continue. There is no other practical way to achieve that in a timely manner.

I move on to amendment 26. As I have said, leaving care is a difficult process. Care leavers are faced with a set of difficulties that other children their age simply do not face. Is that in part why the Government introduced the local offer for care leavers that I referred to?

It is astonishing that the Bill is devoid of any mention of unaccompanied asylum-seeking children. There are more than 3,000 such children in the UK care system. According to analysis of Home Office data, nearly all unaccompanied asylum-seeking children under 16 are fostered at some point. I assume that the Committee and others would think that when those children leave care they are entitled to the same support and assistance with their transition to independence as their peers—but they are not, despite being the most vulnerable of care leavers, having fled conflicts and horrors that most us can hardly begin to imagine.

Tulip Siddiq: I thank my hon. Friend for her speech. I agree with her: when we talk about unaccompanied asylum seekers and children, we are talking about the most vulnerable in society. My local authorities, Camden and Brent, have taken in asylum seekers and are looking after children. Does she agree that putting a duty on local authorities across the country to do that would send a clear signal to the rest of the world that we are acting as a leading country and taking charge of a situation where we should be doing more?

Mrs Lewell-Buck: I welcome what is happening in my hon. Friend's area. I agree completely with her comments. Once children who are unaccompanied asylum seekers reach 18, they are treated differently from other care leavers.

I recall working with many children who had escaped from conflict. Like children who have suffered abuse, their skin was grey and their eyes were emotionless. There was a look of permanent fear etched on their faces and they had an intense wariness of adults around them, which was reflected in their every movement and word. I have seen children slowly lose that look after being in placement for a while. The terror and sadness lift from their overall demeanour, because that is what feeling safe and being fed, clothed, cared for and away from a traumatic and ever-changing volatile environment can do for a child.

Steve McCabe: My hon. Friend will be aware that the Home Office is conducting some inquiries into what happens to unaccompanied children who enter this country. The system has not been terribly well supervised over recent years. There is a lot of concern.

Topically, there is a lot of concern about what happens with unaccompanied children who enter this country to attend sports schools and sports colleges—whether those arrangements are properly supervised and whether they could lead to abuse. In view of that situation, is it reasonable to assume that we may see further activity to receive some of those children into care as those inquiries reach fruition? In those circumstances, would it not be wise of the Minister to prepare for that eventuality in the Bill?

Mrs Lewell-Buck: I shall come on to the absolute hash that the Home Office has made of the situation later in my comments.

After the children have been settled in placement for however long they have been in the UK, the rug is ripped out from underneath them as they reach 18 years old, when they must apply for extended leave to remain in the UK. The majority are turned down, so the place they understood to be their home is no longer their home. Worse still, the Home Office often does not get its act together and remove them, despite turning them down, so they disappear and are off the radar. The Government do not know how many care leavers are in that situation or where they have disappeared to, but it does not take long to guess that if someone is here illegally and is facing the fear of returning to their country of origin, they will go underground and be susceptible to exploitation, whether emotional, financial or sexual.

Stella Creasy: In our discussions of the Bill, we are going to come on to a number of conversations about how we treat child refugees, but the point my hon. Friend is making is simple: at the stroke of midnight on someone's 18th birthday, they do not stop being a vulnerable young person. These are young people who we have accepted are vulnerable and should be cared for. The idea that we simply cut off all support at 18 simply does not accord with the principles behind much of the Bill. I hope that the Minister will listen to the case and think again about how we treat these young people. Someone's turning 18 does not stop them from being a vulnerable young person.

Mrs Lewell-Buck: That is why a lot of support targeted at care leavers lasts until they are 25 years old. Someone does not stop being vulnerable simply because they have turned 18.

I was a member of the Immigration Bill Committee. I do not recall the experience with much fondness. In the consideration of that Bill, which is now an Act, those on the Labour Benches argued against what I am describing. We argued that the provisions in that Act that limit the support for care leavers subject to immigration control undermined children and leaving care legislation, and gave immigration control greater prominence over young people's welfare.

10.45 am

Treating children in this way creates a two-tier system of support that discriminates against care leavers on the basis of their immigration status. Can the Minister really tell us today that he agrees with the Home Office that all children leaving care deserve to be supported,

except those who are leaving care as former unaccompanied asylum seekers? This Government already have a shameful record, as regards their handling of unaccompanied children. After Lord Dubs's intervention in discussion of the Immigration Bill, he secured a U-turn and a commitment that Britain would give homes to some of the estimated 88,000 child refugees who were at the time believed to be travelling through Europe. We saw a rare glimpse of humanity from the Government but, sadly, they have hummed and hawed since then and, in the words of Lord Dubs,

"done nothing discernible about it."

The noble Lord withdrew amendments to this Bill after the Government promised to publish a strategy for the safeguarding of children by May 2017, but a few days later the Home Office introduced guidelines that seriously restrict which children would qualify under the Dubs amendment and again changed the goalposts for these children. I will not go into more detail about the Dubs amendment, because we will return to it when we discuss amendments tabled by my hon. Friend the Member for Walthamstow.

Amendment 26 would ensure that unaccompanied asylum-seeking children had to be included in the local offer when leaving care. Currently, a young unaccompanied asylum seeker leaving care will not be entitled to stay put, or qualify for benefits or students loans, and if they go on to higher education, they will be treated as an overseas student and charged fees that are generally three times higher than for others. The amendment would, first and foremost, ensure parity of services, which would reduce prejudice and discrimination in the design and delivery of the offer for care leavers and promote positive outcomes for every care-leaving child. It would show the House at its best, and I hope that the Minister and his colleagues agree.

New clause 13 seeks to ensure that access to education for care leavers improves, and to overcome some of the barriers faced by young people leaving care in accessing apprenticeship opportunities and further and higher education in comparison. For many years, the figures for looked-after children in these areas have remained stubbornly lower than for non-care leavers. We all know that this is a problem; we now need to look at what action can be taken.

In March 2016, of 26,340 former care leavers aged 19, 20 or 21, 40% were not in work, education or training, compared with 14% of all 19 to 21-year-olds. Children who have been in care are just as capable—some are more capable—of achieving as those who have not been in care, but their academic success and the number of them in employment remains stubbornly lower. A recent report by the University of Oxford said that children in care are falling way behind their peers, even in their early years. Only 13.2% of children in care obtain five good GCSEs, compared with just under 60% of all other children. Only 6% of care leavers, compared with 30% of all other young children, go to university.

Steve McCabe: I am listening with interest to the figures that my hon. Friend is quoting. Was she as surprised as I was to hear the Minister tell us that we should not be that concerned about the educational attainment of young people in care, because they are doing quite well?

Mrs Lewell-Buck: I am astonished that I had not picked up on what the Minister said. I hope that he will clarify.

Edward Timpson: Dear oh dear, Mr Wilson; we were all getting on so well. I am afraid that what the hon. Member for Birmingham, Selly Oak, has said is not a fair representation of the point that I made. I ask the hon. Member for South Shields to take in good faith the point that I made, which is that children who are in care do better educationally, in terms of improvement, than children who are on the edge of care with child protection plans. It is wrong to suggest that being in care holds back the child's education. If we compare children in care with the most closely aligned group—those on the edge of care—they do better. That was the point that I made, and I hope that is the point that the hon. Lady will take away.

Mrs Lewell-Buck: I thank the Minister for that clarification. I am sure that *Hansard* will show us all exactly what he said.

Tulip Siddiq: Does the shadow Minister think that the situation that the Minister described in his comparison is one that we should strive for, or should we have different standards?

Mrs Lewell-Buck: I think we should all have the highest possible standards for all our children, whether they are care leavers or not. That is something we should always strive towards.

Michael Tomlinson: I am grateful to the hon. Lady for highlighting the unemployment statistics. I am chairman of the all-party group for youth employment. Each month we look at the statistics; we will have a new set of figures tomorrow. She is right to say that the figures are too high. In fact, they are too high across the board at just under 14%. Does she recognise that, under the clause, the local plan that points towards education and employment will help in that regard?

Mrs Lewell-Buck: I think that only time will tell.

Michael Tomlinson: That is a yes, then.

Mrs Lewell-Buck: No, it is not; it is a "time will tell."

I will not spend much longer on this new clause; it is quite straightforward. It asks that the Secretary of State carries out an annual review on access to apprenticeships and further and higher education, and takes into account some of the barriers that care leavers face around fees, grants and accommodation. We know that such problems have existed for care leavers for a very long time, so it is about time we got on, looked at that, and made policies around it.

New clause 16 seeks to improve care leavers' transition to independence by proposing various changes to welfare and benefits that would offer much needed financial support at a critical juncture. Without financial support, it is likely that a lot of the Government's intentions towards care leavers will not amount to any real tangible changes for children leaving care. The national offer for

[Mrs Lewell-Buck]

care leavers that I am proposing will ensure that the maximum sanction for care leavers under the age of 25 will be four weeks, in line with the current sanction regime for 16 and 17-year-olds. It will allow working care leavers under the age of 25 to claim working tax credit. It will extend the higher rate of the local housing allowance single room rate to care leavers up to the age of 25, delaying the transition to the lower shared accommodation rate that applies at 22 years. It will also amend the council tax regulations to exempt care leavers from that tax until the age of 25.

The Government's document, "Keep On Caring", which was published in July, states:

> "Most care leavers who spoke to us talked about the problems they had making ends meet. Paying rent, Council Tax, household bills and transport costs meant that many care leavers had difficulty managing their finances and they had often experienced debt and arrears."

Research by the Joseph Rowntree Foundation has shown that more than half of young people leaving care have difficulty managing their budgets and avoiding debt. Yet almost half of local authorities in England fail to offer adequate financial support and advice for care leavers. If local authorities are not able to help when a young care leaver needs help, where on earth are they supposed to go? Unlike many of us in this room, they have never had the option of turning to their parents, wider family, or family friends. Often, if the local authority does not help them, nobody does.

The way that the Government have applied sanctions has had a devastating effect on not only the sick and disabled, but care leavers. Between October 2013 and September 2015, 4,000 sanctions were imposed on care leavers. They are more likely to receive sanctions, and less likely to know where to go or how to appeal a decision made against them.

Stella Creasy: It is worth reflecting on that statistic in the context of my hon. Friend's amendment. We are talking about care leavers being three times as likely to be sanctioned. If we go back to the principles she was talking about of corporate parenting and wanting the same—the best—for every child in care as we want for our own children, that suggests that those children are not getting the help that they need, and that they are also not getting financial education. There is clearly a particular issue about care leavers and the benefit system that we must address. The Bill is the ideal opportunity to do that and her amendment would fit into that metric. I hope that Government Members will think about that. Care leavers are three times more likely to be sanctioned, so clearly something is not working. We need to act.

Mrs Lewell-Buck: My hon. Friend is right. When I have spoken to care leavers who have been sanctioned, often they have not known that they have been sanctioned. What they will say is, "My money has been stopped." They do not know where to go and they do not know what to do for help. They will sometimes bury their head in the sand, not realising that they could appeal the decision. It is therefore vital that we get it right for them.

For those who were able to get help, 60% of sanctions were overturned, which means that a high proportion of care leavers are having sanctions misapplied. I note Lord Nash's wish in the other place for sanctions to be reduced, but I was alarmed when he showed concern that a reduction is sanctions towards care leavers might "unintentionally lower our aspirations" for them. When a care leaver has sanctions imposed through no fault of their own—often those sanctions are misapplied—I assure the Minister that their aspirations will not be anything if they cannot afford to heat their home or feed themselves, or if they end up without a roof over their head.

We also wish to make an amendment to extend working tax credit to care leavers under the age of 25. It is right that care leavers should be encouraged to engage in high-quality employment and training opportunities. However, they must be given better support to get into work and to be able to afford to work. Under the current system, only those with children or those who are disabled under the age of 25 can claim working tax credit. An assumption is built into the system that those under 25 on low incomes will be living at home with their family, where they will have access to the extra financial support that they need.

As we are all acutely aware, for care leavers, that it not the situation. It appears that the system penalises—some would even say it discriminates against—care leavers under the age of 25. Currently, care leavers in their first year of an apprenticeship could be earning as little as £3.40 an hour. I am interested to know why the Minister thinks that a young care leaver can manage to pay rent, council tax contributions and utility bills—let alone clothe and feed themselves—on such a meagre income.

For non-care leavers, restricting higher levels of support until 25 has some rationale, as under-25s often have a support network to help them. However, care leavers do not have that support network. It is not right that, when they fall into financial hardship, they suffer a shortfall in support compared with equivalent older workers, especially considering their ineligibility to receive the national living wage until they are 25.

It is estimated that the extension of working tax credit to care leavers under the age of 25 would cost a total of £27.8 million a year. Does the Minister recognise the huge strain of being liable for the full cost of running a household at a young age and the pressure that imposes on the finances of young care leavers? The payment of working tax credit to care leavers under 25 would be a significant step in closing that gap in provision.

11 am

The Opposition wish to make an amendment that would extend the higher rate of local housing allowance single-room rate to care leavers up to the age of 25, which would delay their transition to the lower shared accommodation rate at 22. The Minister will be aware that affordable, single-person accommodation is one of the categories in shortest supply in many constituencies. However, that is the pool from which we often try to find accommodation for care leavers, which is why we end up with situations such as those referred to earlier by my hon. Friend the Member for Birmingham, Selly Oak.

Currently, until the age of 22, care leavers receive the single bedroom rate, which provides them with sufficient support to rent a single-bedroom property, rather than

a room in shared accommodation. That should be extended up to the age of 25. The shared accommodation rate is significantly lower than the single bedroom rate. In 2015, the shared accommodation rate was £287 per month, compared with £423 per month for a single-bedroom property. Those living independently under the more generous system will no doubt find it increasingly difficult to pay their rent, and will become more likely to fall into the trap of debt, following a reduction in their local housing allowance after their 22nd birthday.

I acknowledge that the fact that the Departments for Education and for Work and Pensions have said that they will explore opportunities to extend the qualifying age for the shared accommodation rate of local housing allowance up to the age of 25. However, care leavers need a much stronger commitment. For how long do they have to cope and go on living with the threat of financial insecurity and the fear of losing their home?

As I have often stated, and will continue to do so, care leavers require much better financial support than non-care leavers. When most young people leave home for the very first time they are able to rely on others for support and advice. However, looked-after children have rarely experienced the best of childhoods, and it can be extremely difficult when leaving care to deal with the multiple challenges of living alone, let alone managing financially.

Sadly, we are seeing a growing number of rough sleepers across the country who have previously been in the care system. We should not allow that to continue. As part of the national offer for helping care leavers to avoid financial difficulty, the Opposition are seeking to amend council tax regulations to exempt care leavers from council tax until the age of 25. Council tax poses a particular issue for young care leavers, as recent benefit changes mean that, in most areas of the country, even those on very low incomes are liable for some council tax contribution—and local authorities are deploying a rapid escalation of enforcement methods to reclaim arrears.

I am pleased that several local authorities, such as Birmingham City Council, City of Wolverhampton Council and others have introduced a council tax exemption for care leavers. I hope that other local authorities will follow their lead, but it is no good the Government asking local authorities to consider or explore the possibility of exempting care leavers from council tax when those authorities face further cuts from central Government.

Michael Tomlinson: I have the privilege of serving on the Homelessness Reduction Bill Committee, which meets for the fourth time tomorrow. That measure is a private Member's Bill, as the hon. Lady will know, but it has Government backing. Care leavers are a prescribed group within that Bill, and will be specifically looked after in relation to homelessness advice. The Bill states:

"The service must be designed to meet the needs of persons in the authority's district including…care leavers."

Surely the hon. Lady welcomes that, and the fact that the Government are supporting that Bill?

Mrs Lewell-Buck: I thank the hon. Gentleman for his support for my amendment. I hope that he will vote with us. I am proposing a comprehensive package of support for care leavers, and this Bill is exactly the right measure for that. We should not have piecemeal legislation for care leavers; the package should be in this Bill.

Steve McCabe: I, too, welcome the comments of the hon. Member for Mid Dorset and North Poole. Has my hon. Friend seen the comments of the Birmingham Social Housing Partnership, which warned that very good ambitions of the Homelessness Reduction Bill are likely to be undermined by the wiping out of the supporting people revenue grant, which will mean that we will apply new duties to local authorities and give them fewer resources to manage this issue?

Mrs Lewell-Buck: It is a classic tale of this Government: give with one hand, take with the other, and we still end up in a worse situation.

Simon Hoare: We all have to accept that local government budgets are under pressure, which presents challenges. Does the hon. Lady accept that she is striking at the heart of the Localism Act 2011 and, in particular, the general power of competence? If local authorities such as Birmingham and Wolverhampton decide to set those sorts of priorities, they can do so. That is what localism and local decision making is all about. We do not need the great dead hand of the state and central diktat to allow local authorities to do it.

Mrs Lewell-Buck: Spoken like a true Conservative.

Simon Hoare: The hon. Lady pays me the greatest compliment.

Mrs Lewell-Buck: It is not a compliment where I come from.

Tulip Siddiq: I thank the hon. Member for North Dorset for his contribution and his support for the shadow Minister's amendment. I spoke in the debates on the Homelessness Reduction Bill introduced by the hon. Member for Harrow East (Bob Blackman). I commend many of the suggestions in that Bill. Is the shadow Minister aware of the Barnardo's report, which outlines that young people leaving the care system are particularly vulnerable to homelessness because they cannot find appropriate accommodation when they leave?

Mrs Lewell-Buck: I am aware of that report, which makes heart-breaking reading. There are lots of reports out there about care leavers. Following up on the intervention by the hon. Member for North Dorset, I agree that some local authorities have done good things in this area, but there should not be a piecemeal approach; support should be offered to all care leavers across the board. Why should one care leaver in one authority have a different service from another one? Care leavers do not care about localism; they want their local authority to give them the same thing as their friends and other care leavers next door.

Stella Creasy: Dare I suggest that, if we are going to have a discussion about the core principles of our political movements, one of the core principles for me as a proud socialist is value for money? One of the concerns behind the amendment is exactly that. The hon. Member for North Dorset talks about localism, the cuts to local authorities budgets and the need to be

[Stella Creasy]

parsimonious—some of us might use a different term—but we must recognise that if 60% of sanctions on care leavers are overturned on appeal, the system is not cost-effective. If we are looking at how we might make savings, treating those young people as we wish our own children to be treated, which is a common theme this morning and perhaps for the entire Bill, is not only the right thing to do morally but the most cost effective and therefore—dare I say it?—socialist thing to do.

Mrs Lewell-Buck: I thank my hon. Friend for her excellent intervention. She touches on an important point: elsewhere, if we want to save money, we have to invest. Investing in care leavers prevents them from entering the justice system and from being homeless, which costs more in the long term.

I suspect that the Minister will reiterate what Government peers said in the other place: it is not for the Government to set in statute what local authorities should be doing, and I expect he will get a cheer from the hon. Member for North Dorset—[Hon. Members: "Hear, hear."] We are not asking the Government to tell our local authorities what they should be doing; we are just asking for a minimum standard for care leavers. These amendments seek that new minimum. Care leavers surely deserve safe, secure, affordable accommodation, but under the current proposals I do not see how they can be expected to make their way in life and deal with the issues of having lived in care with the extra burden of financial difficulty. Does the Minister agree that council tax enforcement undertaken by local authorities completely undermines the principles in this Bill? Does he therefore agree that care leavers should be exempt from council tax until the age of 25?

The Minister is well versed regarding the many challenges that young care leavers face, particularly those of a financial nature. I am sure, deep down, he wants to make sure that the state plays a greater part in supporting care leavers, but the current plans just do not hit it. Last year, almost 11,000 left the care of their local authority and began the difficult process into adulthood. The Government have a duty to those 11,000 vulnerable young people to say that they are not forgotten and that they do not just become another poverty or homelessness statistic on our streets.

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship, Mr Wilson. I want to speak to new clause 16, which seeks to make provision for care leavers to help them avoid financial difficulty. We are grateful to the shadow Minister for bringing it forward. Although it would apply to Scotland only in part, I wish to put on the record the views of the Scottish National party.

The Children's Society points out that young people leaving care struggle with their finances and are at an increased risk of falling into financial difficulty. Our First Minister in Scotland has already acknowledged that we have a duty to protect and help our young people most in need and that those who have experienced the care system will be the driving force of the recently announced independent review of how Scotland treats its looked-after children. Our First Minister has committed to listen to 1,000 people with experience of the care system over the next two years. I hope that some of these concerns will be raised during that review. In making that commitment, our First Minister said:

> "If we are to live up to our ambition to be a truly inclusive country, we have a particular duty to those most in need. We have to get it right for every child."

I think that should apply across the UK.

The part of new clause 16 that would apply to Scotland includes the limit to sanctions, the extension of the working tax credit benefit and the exemption from the shared accommodation rate of housing benefit. Given the barriers to employment for care leavers, providing adequate support and safeguards in the system via these changes would seem to be appropriate. As the Centre for Social Justice outlined in its report, "Survival of the Fittest":

"Current labour market conditions, such as unreliable hours due to zero hour contracts and low pay for entry level jobs, mean that most 18-25 year olds rely financially, at least to some extent, on either their parents or the benefit system for support. As care leavers are unlikely to have substantial family support, they are much more likely to rely on the benefit system".

As the shadow Minister outlined, the new clause will apply a limit to sanctions under universal credit, including a higher level, medium level and lower level of sanction. The Children's Society found that 4,000 benefit sanctions were applied to care leavers between October 2013 and September 2015. As we found out with the National Audit Office report only a few weeks ago, sanctions are not rare and they are not working.

Protecting young care leavers from sanctions is a welcome move, particularly as they would lead to further hardship for those possibly already facing financial difficulty of the kind outlined by the shadow Minister. Although the new clause would not remove sanctioning from care leavers under 25, it would place them in the same regime as 16 and 17-year-olds, meaning that the maximum sanction period under these proposals would be four weeks. The second part of the new clause seeks to extend working tax credit eligibility to all care leavers in full-time work of more than 30 hours per week.

The risk of falling into debt due to the cost of living, which many of these people are unable to cover in full, is a bad and sad reflection on our society. The current system of working tax credit assumes that many of those under 25 and on low incomes live at home and are supported by a family. However, that does not apply to care leavers, so additional support should be given to help these young people face independent lives. Surely the whole purpose of the care system is to enable our most vulnerable young people to go out there and stand on their own two feet equitably with those children who are brought up in caring and loving homes.

11.15 am

The remaining part of the new clause, which would have an impact on Scotland, seeks to exempt people from the shared accommodation rate until they are 25. That would mean that care leavers would not have their housing benefit cut by approximately £31 a week, which is a huge sum for those young people. The Children's Society advocates for this measure on the grounds that care leavers could be at an increased risk of falling into debt arrears or having to leave a home for a riskier

environment, which means they could disappear completely off our system, as the shadow Minister has already said. That is not right.

Given the provisions that relate to Scotland and the intentions of the shadow Minister, I will support the new clause today, if only to hear the Government's response to a probing amendment designed to see whether they are willing to move to assist care leavers. One of the many appalling intentions of the Tories' welfare reform agenda has been the dismantling of the safety net for young adults, excluding them from the principle of universality that should apply to a welfare system based on dignity and respect. To do so for some of our most vulnerable young adults, who may have no family to support them, was callous and uncalled for. These amendments will go some way towards redressing that balance.

Although I look ahead to the role of the review in Scotland, given that 85% of welfare spending is still reserved, it is important that the UK Government also look at the role they play in the provision of financial support.

Stella Creasy: I support the core principles of the amendments that Labour Members have tabled this morning, and I recognise that some Government Members do share those principles; the difference is in how we achieve those outcomes. Let me be clear about the aspirations that I think we all share. They are, as I have already said: to treat all children in care as we would treat our own children, to do so in a fair and equitable manner, and to do so in a way that is possible to implement. The difference is in recognising how we get implementation right.

As the shadow Minister has said, it is the difference between having a minimum standard—a base below which we will allow nobody to fall—and recognising that there may be variation at a local level. The treatment of particular groups of care leavers, particularly young asylum seekers, is important, as is the recognition that there is a particular challenge when it comes to care leavers and financial management. It is right that we should seek to address those three core principles in a Bill such as this.

The amendments proposing a basic minimum standard are not intended to be restrictive; they are intended to help our young people know their rights. When dealing with care leavers in our casework, I think that we all recognise young people struggling to understand what will happen to them next. A national minimum standard is about being able to answer that question with certainty, without necessarily saying that the outcomes will therefore be the same universally, but recognising that there will be a basic standard and a basic principle about how we treat these young people. That does not mean that things cannot be personalised; it simply means that we can all be confident that every young vulnerable person is helped. As I have said before, just because someone turns 18 does not stop them being vulnerable; it simply means that they are moving into a new phase in their life. We must address that.

If the Minister is not minded to accept the amendments, he must tell us how he can have confidence that, across the country, those young children who we accept responsibility for through corporate parenting will get those services. I say that because I think that all of us have seen in our surgeries the consequences when there is not that support.

The shadow Minister talked about special educational needs. I think that all of us have dealt with cases of parents trying to argue for their children to have the rights that they should have. Even if there is a statement to that effect, it provides a basic standard for what that child should get. It does not mean that there is not then further work to be done about how things are enacted, but it does mean that the parents can be confident about what the child will receive. We are talking about the same principle here. It is about recognising that these young people need to know what will happen next. Having a national minimum standard would mean that we in this place could be confident that these policies will be implemented on the ground to a level that all of us would want as a starting point for those children.

On the second principle, particularly with regard to children who are asylum seekers, the discussion is a complicated and sensitive one to have in the UK right now. Other amendments, especially those that I have tabled—I am pleased that my hon. Friend the shadow Minister also has two—deal with how we would treat young children, the guidance and the principles to do with basic rights in the UN convention on the rights of the child. Those amendments continue in the same spirit, recognising that when we stand up as a country to support those young people, that support must be consistent with how we treat every young person.

That is the right thing to do morally, and legally internationally. I worry for the Minister—I am interested to hear his take on this—because if he has not included young asylum seekers in the principle, what are the legal ramifications, given that we treat them similarly under the age of 18? What might such a child have seen? Today we are having an emergency debate on Syria, where children will have seen horrors in their lifetime that many of us cannot even begin to contemplate.

How do such children end up here? One of the questions all of us have is about safe and legal routes. When children do end up here, however, and we take responsibility for them, in our hearts are we suggesting that at the age of 18 we stop caring about what happens to their outcomes? If we do not stop caring, we have to recognise that at the age of 18 they again need our help, just as we recognise that children born in the UK who come from troubled backgrounds might need our help past the age of 18. If children are to be excluded from the very provisions that we would like to see apply to other children we recognise as vulnerable, I ask Government Members to think about why they feel it is okay to discriminate on the basis of nationality—in essence, that is what excluding young refugees from the amendment will do.

The third issue is debt. Young people in care are disproportionately more likely to be in debt. Again, all of us recognise the myriad reasons for that, but the outcome is the same: a group of young people in our society for whom we have taken corporate responsibility have a particular problem, and one of the consequent problems manifests itself in how they deal with our benefits system. The amendments are designed to address that. All of us can see at first hand in our constituencies and when we deal with such children that they might

[Stella Creasy]

not have backgrounds that give them the best understanding of budgeting. The hon. Member for a Scottish constituency, the name of which has completely slipped my mind—

Marion Fellows: Motherwell and Wishaw.

Stella Creasy: It was on the tip of my tongue. The hon. Lady put it very well when she argued that our benefits system, especially when dealing with young people, is designed on the principle that even if they do not live at home, they probably have a home relationship on which they are able to draw; that they can draw not only on financial support, but on support to be able to budget and to manage at that point in life when we start to get our own rent and bills. That group of young people do not have such support as a background, so we have to make specific arrangements for them. That is what the amendment would do.

As I said to the hon. Member for North Dorset, in places we do not do that, which costs us more as a result, so again I ask the Minister to do something, even if not in this legislation. I completely take the point of the other hon. Gentleman for—I am doing terribly this morning at remembering constituency names—

Michael Tomlinson: Mid Dorset and North Poole.

Stella Creasy: How could I forget Mid Dorset! What a wonderful community. The hon. Gentleman will have seen even in Mid Dorset, as I see in Walthamstow, young people struggling to make sense of what rights and entitlements they have as they take that first step. They struggle even when they have their mum and dad with them to help, yet we are talking about young people who do not have that support. He is right to point to the Homelessness Reduction Bill as having such provision, but his case is to marry that with what we do in this Bill—that is exactly what the amendment would do. It simply states that we have to continue thinking about that group of young people needing a particular level of support because we can see their problems. The two are not contradictory; in fact, they are complementary.

I ask the hon. Member for Mid Dorset and North Poole to think about that. Perhaps in the lunch break he will make the case to the Minister that we should be looking at the financial support we give to our young people. The evidence tells us that our benefits system is not working for them, which is costing us money, and it is not joining up with other pieces of legislation. As a result, very vulnerable young people are being left at risk.

There are ways in which we can save money in the system and get a better outcome. The amendments are trying to get us there. I think that Government Members share the same objective. The question is this: if they will not accept the amendments on those three core principles, what would the standards be beyond which we will never let a young person fall? If we accept that a younger person is vulnerable, how do we ensure that we do not discriminate against them on the basis of nationality? How are we addressing the clear and obvious problems that our young people in care have with financial management, which manifests in how they deal with the benefits system, and comes from not having the safety net of mum and dad?

11.25 am

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

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

Second Sitting

Tuesday 13 December 2016

(Afternoon)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 17 December 2016

The Committee consisted of the following Members:

Chairs: Mrs Anne Main, † Phil Wilson

† Caulfield, Maria *(Lewes)* (Con)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Fellows, Marion *(Motherwell and Wishaw)* (SNP)
† Fernandes, Suella *(Fareham)* (Con)
† Green, Kate *(Stretford and Urmston)* (Lab)
† Hoare, Simon *(North Dorset)* (Con)
† Kennedy, Seema *(South Ribble)* (Con)
† Lewell-Buck, Mrs Emma *(South Shields)* (Lab)
† McCabe, Steve *(Birmingham, Selly Oak)* (Lab)
† Merriman, Huw *(Bexhill and Battle)* (Con)
† Milling, Amanda *(Cannock Chase)* (Con)
† Siddiq, Tulip *(Hampstead and Kilburn)* (Lab)
† Syms, Mr Robert *(Lord Commissioner of Her Majesty's Treasury)*
† Timpson, Edward *(Minister for Vulnerable Children and Families)*
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)
† Whately, Helen *(Faversham and Mid Kent)* (Con)

Farrah Bhatti, Katy Stout *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 13 December 2016

(Afternoon)

[Phil Wilson *in the Chair*]

Children and Social Work Bill [*Lords*]

Clause 2

Local offer for care leavers

Amendment proposed (this day): 27, in clause 2, page 3, line 10, at end insert—

'(6A) The Secretary of State must publish a national minimum standard for a "local offer for care leavers".

(6B) When developing a national minimum standard for the purpose of subsection 6A the Secretary of State must consult relevant agencies responsible for the provision of services under subsection (2)." —*(Mrs Lewell-Buck.)*

This amendment would introduce a national minimum standard for a local offer for care leavers, which is to be developed in consultation with relevant parties.

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 26, in clause 2, page 3, line 20, at end insert—

"(e) unaccompanied asylum seeking children up to the point that they leave the United Kingdom"

This amendment introduces an additional definition for "care leavers".

New clause 13—

"Review of access to education for care leavers

'(1) The Secretary of State must carry out an annual review on access for care leavers to—

(a) apprenticeships,

(b) further education, and

(c) higher education.

(2) The first review must take place by the end of the period of one year beginning with the day on which this Act is passed.

(3) A report produced following a review under sub-section (1) must include, in particular, an assessment of the impact of—

(a) fee waivers,

(b) grants, and

(c) reduced costs of accommodation.

The report must be made publicly available."

New clause 16—

"National offer for care leavers

'(1) The Universal Credit Regulations 2013 are amended as follows—

(a) in regulation 102(2)—

(i) in paragraph (a) after "18 or over" insert "and paragraph (b) does not apply";

(ii) in paragraph (b) after "16 or 17" insert "or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25";

(b) in regulation 103(2)—

(i) in paragraph (a) after "18 or over" insert "and paragraph (b) does not apply";

(ii) in paragraph (b) after "16 or 17" insert "or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25";

(c) in regulation 104(2) after "18 or over" insert "and section (3) does not apply".

(d) in regulation 104(3) after "16 or 17" insert "or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25".

(2) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 are amended as follows—

(a) in regulation 4(1), Second Condition, after paragraph (b) insert—

"(c) is aged at least 18 and is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016, and is under the age of 25, and undertakes not less than 30 hours work per week."

(3) The Housing Benefit Regulations 2009 are amended as follows—

(a) in regulation 2, in the definition of "young individual", in each of paragraphs (b), (c), (d), (e) and (f), for "22 years" substitute "25 years".

(4) The Local Government Finance Act 1992 is amended as follows—

(a) in section 6(4) (persons liable to pay council tax), after "etc)" insert "or 10A (care leavers)";

(b) in Schedule 1 (persons disregarded for purposes of discount), after paragraph 10 insert—

"Care leavers

10A (1) A person shall be disregarded for the purposes of discount on a particular day if on the day the person is—

(a) a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016; and

(b) under the age of 25."

(5) The Council Tax (Exempt Dwellings) Order 1992 is amended as follows—

(a) in Article 3, Class N, after paragraph 1(b) insert—

"(c) occupied only by one or more care leavers within the meaning given by section 2 of the Children and Social Work Act 2016 who are under the age of 25."

(6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament."

Stella Creasy (Walthamstow) (Lab/Co-op): I will be brief; I am sure that over lunch Government Members have had a chance to contemplate the argument that I made. I am conscious that Opposition Members who have joined us might want to be reminded of them. There are three points that I want the Government to come back on if they are not going to accept our amendments. First, the idea of a basic minimum standard for care leavers. If we are not to have a minimum standard, how does the Minister intend to ensure that all care leavers are given a level of service that we can be proud of?

Secondly, on the Minister's approach to dealing with young asylum seekers who are not part of this legislation at the moment, the amendment seeks to bring them in scope to make sure that they are given equal protection. As I said earlier, turning 18 does not stop someone being vulnerable overnight. Finally, how do we deal

with the specific issue of financial management problems that many care leavers face, particularly the problems that are well documented in the benefits system? If the Minister does not intend to accept our amendments to support care leavers through the benefits system and to make sure that we recognise those problems and the cost to us of not recognising those problems, what plan does he have to address those issues? At this point, I shall let others take the debate forward.

Tulip Siddiq (Hampstead and Kilburn) (Lab): I thank my hon. Friend the Member for Walthamstow for her passionate speech. Even though she was interrupted mid-flow, she has summed up very well. It will not come as a surprise to the Committee that I wholeheartedly endorse her speech and the amendment on the national minimum standard for care leavers. I want to point out that we cannot just rely on local authorities to make specific decisions, because there are different standards across the country for different local authorities, as I saw as a councillor before entering Parliament.

Various policy concerns can be addressed by introducing a national minimum standard, but I want to focus specifically on people's mental health, especially that of vulnerable people leaving the care system. One early study of care leavers in England that I found interesting found evidence of a range of mental health problems for care leavers. One in five care leavers reported long-term mental health problems. Everyone here will be aware of the stigma surrounding mental health. One in five is probably not a true reflection of how many mental health problems there really were among care leavers, because some of them would not want to report problems for fear of being stigmatised.

The mental health problems that the care leavers spoke about included eating disorders, bipolar issues, depression and serious phobias that haunted them later in life. In addition, there were shocking statistics: a quarter of care leavers reported heavy drinking on a regular basis and two thirds admitted that they used drugs regularly. It is no surprise that many of the care leavers who spoke about their experiences said that their mental health problems originated in the life that they led before they, in a sense, entered adulthood. They said that a lot of their mental health problems came from the poor housing that they had experienced and the lack of finance and intimate relationships in their life.

The NSPCC rightly pointed out in its 2014 report that leaving care is an extended process rather than a single event, which I wholeheartedly agree with and which speaks to our amendment. Care leavers face the significant challenge of psychologically moving forward towards adulthood, often trying to make sense of their past life experiences. With the withdrawal of care services, support services and care placements, they have to test out the reliability of their network of friends and family. The shadow Minister has made the point over and over again that we should not have a postcode lottery when it comes to care and the future of care leavers. Nor should we have a lottery of personal circumstances, where those who are lucky have a network of family and friends to rely on, but those who are not often fall into either depression or a life they would not have wanted to lead.

The Opposition acknowledge that multiple changes to someone's living circumstances will affect them, but change cuts across every aspect of the lives of care leavers; we need to be aware of that, because we are dealing with the most vulnerable people in society. Those changes relate to their finances, access to housing and search for jobs, and care leavers confront those challenges while experiencing a withdrawal of care placements and social support services as they turn 18.

I point to a few stats from the Children's Society that I thought were particularly striking: 63% of care leavers entered the care system because of abuse or neglect, which is a figure that should put us all to shame; 50% of children in care had emotional and behavioural health that was considered normal, while 13% were borderline and 37% gave cause for concern. I am sure that everyone agrees that those statistics are worrying. They should trouble us all, and they should compel us to act in the interests of the nation.

National minimum standards will allow for a fairer system overall, for which the cost will be wholly outweighed by the benefit of ensuring that the most vulnerable people across the country are treated equally. I trust that Members across the House and from different parties will agree with that after hearing some of the shocking statistics that I have outlined.

Steve McCabe (Birmingham, Selly Oak) (Lab): I will briefly comment on the part of clause 2 that relates to the local offer, before turning to the amendments and new clauses. I will try not to detain you for too long, Mr Wilson.

I am not really clear on the local offer. The Minister has a great deal of experience of the local offer; he pioneered the approach in the Children and Families Act 2014. I am not entirely sure how different what he proposes in the Bill is from the offer in that Act. I took the trouble during the lunch break to look at the rather helpful report from the Children's Services Development Group entitled "The Local Offer, Children and Parental Rights". It has a nice foreword by the right hon. Member for Chesham and Amersham (Mrs Gillan), who is the chair of the all-party parliamentary group on autism. You will be delighted to know that I will not read the report to you, Mr Wilson, but there are some things in it that are worth noting.

The offer, as it exists in the Children and Families Act, was intended to help local authorities to identify gaps in provision and to make sure that they were addressed, and the report assesses how successful that has been. It found that there are significant variations in the offers made across the country, with some quite good examples in east midlands, Yorkshire and the Humber, and some very poor examples in the west midlands and the south-west. It also found that less than 4% of local authorities have a named person whom anyone trying to understand the local offer can contact, while less than half of all local authorities listed independent specialist schools on their website, despite that being a requirement that the Minister set out in the Act. There is also a significant variation in the information that is provided on those websites. The Children's Services Development Group says that a best practice guide for local authorities and a mandated template for the local offer would be helpful.

I draw the Committee's attention to that because the Opposition suggest that it would be helpful to the local offer in the Bill if there were minimum standards by

[Steve McCabe]

which we could judge the progress of the Minister's proposals. I asked him to look again at the experience of the local offer in the Children and Families Act and to check whether there is a risk that local authorities will simply seek to replicate that kind of approach in this piece of legislation. I am not saying that that approach is useless, but I am sure the Minister will share my disappointment that it has not been as successful as anticipated in its operation so far.

I turn to the question that my hon. Friend the Member for Hampstead and Kilburn has just been tackling about the needs of children leaving care. The Minister and I obviously got into the wrong place before lunch when I thought that he was telling me that I should not be too concerned about the educational and mental health outcomes for children leaving care. If that is not what the Minister was saying, I am more than happy to accept that.

However, I took the trouble to go back and have a quick look over lunch at some of the things that we know. I looked at the report by Saunders and Broad which examined long-term mental health conditions—the very things that my hon. Friend has just been talking about—with a greater propensity among children in care and leaving care, who suffer from depression, eating disorders and phobias.

I looked at the mental health and wellbeing report produced by the Select Committee on Education in the fourth Session of Parliament. The first line of that report says:

"The mental health of looked-after children is significantly poorer than that of their peers, with almost half of children and young people in care meeting the criteria for a psychiatric disorder".

That report, as the Minister knows, went on to recommend that child and adolescent mental health services should be made available for all looked-after young people up to the age of 25, in recognition of the distinct issues which this vulnerable group of young people experience as they attempt to leave the care system.

I also looked at the situation on employment. As I understand it, these are the Government's figures: three-quarters of care leavers are inclined to leave schooling without any formal qualifications. Of the Government's study of 26,340 former care leavers aged 19, 20 and 21, 40%—nearly 10,500 young people—were not in employment, education or training, compared with 14% of all 19 to 21-year-olds. The percentage of care leavers who could be described as NEETs has risen by 1% in the past two years.

2.15 pm

To be fair to the Minister, I think he was talking about the improvements that he can show. It is fair to say that his own figures show that there has been a 1% rise in the number of care leavers who are able to access higher education, compared with the figures for 2014 and 2016. This is hardly a picture showing that things are okay and that we should feel relaxed about the progress that has been made. It tells me that things are far from okay; they are quite dire for some young people who enter the care system. They enter the care system expecting us, as their corporate parents, to do a better job for them. That is why we have taken them into care in the first place. They enter the care system with us saying that, as a result of making that order, we are going to make their life better. If at the end of that process their educational opportunities have not improved significantly, their mental health situation certainly has not improved and may in fact have deteriorated, it seems to me that we are failing these young people.

We are looking for a bit more beef and detail from the Minister. This is about an order that will actually make a difference for young people; from my point of view, it is certainly not about trying to score points. As I said earlier, I think we share the same broad ambition, but we have before us the replication of an approach that we saw in another piece of legislation for which he has a great deal of responsibility and that no one—I assume that includes the Minister—would describe as having been an outstanding success to date. Unless there is some attempt to learn from that experience in what we are doing now, all that is going to happen is that we are going to go round the same old loop. As I said this morning, the shelves of social work offices and establishments are littered with pieces of legislation that have the same impact. We are looking for something that will move things forward a significant step, so will the Minister give serious consideration to the amendments?

Kate Green (Stretford and Urmston) (Lab): It is a pleasure to join the Committee, Mr Wilson; I was unable to attend the sitting this morning.

I shall speak particularly to new clause 16 and the proposals on social security support for young care leavers. I am sure that when my hon. Friend the Member for South Shields introduced the new clause this morning, the Committee discussed how the need for special arrangements for young care leavers arises from the likelihood that they will not have family resources to fall back on in the way that other young people leaving the family home would. It is particularly difficult for young care leavers to find appropriate accommodation in areas such as my own, where accommodation costs are especially high. I am keen to reinforce the points made about the need to review the application of housing benefit rules for such people.

First, it is important to recognise the need for stable accommodation for young care leavers as they move into adulthood. If they do not have the resources to be sure that they can undertake a secure tenancy arrangement, all the other attempts to route them into a secure future will be undermined.

Secondly, if such young people—who may have considerable emotional and interpersonal difficulties, and difficulties with relationships with others—have to share accommodation with people whom they do not know very well, perhaps with complete strangers, they may find that an exceptionally difficult situation in which to adapt to adult life. It is therefore of all the greater importance that they should be able to have their own accommodation or property: we should take this opportunity to exempt young care leavers from the more restricted housing support available to young people more generally. Such support requires them to share accommodation, which would not be appropriate for young care leavers.

Although progress has been made over recent years, in many local authorities it has been necessary to place care leavers outside their home borough. The new clause offers the opportunity to ensure that, when successful

attempts have been made to bring young people back in-borough, as has been the case in Trafford, which I represent, and housing costs are high in that borough, which they most certainly are in mine, young people, having been brought back into their home borough, are financially able to sustain accommodation so that they can remain in a community where they have relationships and contacts.

We must also recognise the importance to both education and employment of ensuring an adequate source of income for young care leavers. As I said, they do not have access to family resources to bail them out from unexpected expenditure or debt, so it is right that we should have a social security system that is sufficiently generous to ensure that they are not put in a position in which financial unsustainability undermines the achievement of the social outcomes the Bill envisages promoting for young people.

If the Minister is not able to take our suggestions for a generous interpretation for social security on board in his answer today, I hope that Ministers from the Department will be willing to explore the issue further with colleagues in the Department for Work and Pensions. Will the Minister give us an indication? We all know that these are not imagined problems for these young people; they are very real.

The Minister for Vulnerable Children and Families (Edward Timpson): I thank the hon. Member for South Shields for her amendments on clause 2, particularly about the local offer and care leavers. I am also grateful to her and to the hon. Members for Walthamstow and for Birmingham, Selly Oak for being generous in their reading of the motivation and spirit behind the clause.

Far from being relaxed about the outcomes for care leavers, I am as determined today as I was the first moment I set foot in this place to do all I can to improve their prospects. That is reflected in the fact that we have the Bill before us, as a product of what can be a difficult bargaining arena, with many other Departments wanting to get legislation before Parliament. Through that renewed effort—as well as the cajoling and persuasion needed—we managed to make this a key priority for the Government, which is why it has now come before the House for the necessary scrutiny.

This group of amendments would seek to provide additional support to care leavers. I do not hesitate to agree that these young people do need help and support, but I do not consider the amendments to be the best way to provide that additional support. I will respond to each amendment in turn to explain why.

Amendment 26 would extend the definition of care leavers to cover all unaccompanied asylum-seeking children up to the point when they leave the UK, in the event that their asylum application is not granted. I recognise that the amendment seeks to safeguard a particularly vulnerable group of young people. I assure the Committee that I appreciate the sentiment and desire behind that. We know that local authorities are now looking after increasing numbers of unaccompanied asylum-seeking children and supporting more care leavers who were formerly asylum-seeking children.

Bearing those points in mind, I want to make an important clarification. Most care leavers who were formerly unaccompanied asylum-seeking children have refugee status, humanitarian protection or another form of leave to remain or an outstanding human rights application or appeal. That means that they qualify, like any other care leaver, for the support under the Children Act 2004 care leaver provisions, to assist their transition into adulthood. In addition, they will benefit in the same way as other care leavers from the improvements to the framework contained in the Bill, including the local offer for care leavers.

It is only those leaving care whom the courts have determined do not need humanitarian protection, who have exhausted all appeal routes and rights and subsequently have no lawful basis to remain in the UK, with the court having said there is no barrier to their removal, who will need, in those circumstances, to be supported to return to their home country, where they can embark on building their lives and futures, with assistance from the Home Office in the form of financial and practical support. The Government believe that that is the right approach for that specific and clearly defined group, whose long-term future is not in this country but who need support and assistance before they leave.

Stella Creasy *rose—*

Edward Timpson: The hon. Member for Walthamstow wants to intervene. I know she will be disappointed that that is the Government's position, as it was on the Immigration Act 2016, but it is important to set out the very clear difference between the much larger group of care leavers who have not exhausted their appeal rights and those who have.

Stella Creasy: I simply ask the Minister whether he can clarify the difference between the description that he has just given and that in amendment 26, which states

"unaccompanied asylum seeking children up to the point that they leave the United Kingdom".

That is exactly the group he is talking about. He seems to be making the same case as we are—these young people should get the relevant support and help that we are talking about.

Edward Timpson: I am explaining the current situation. As the law stands, the local authority will continue to provide the same care-leaving service for those children and young people until all their appeal rights have been exhausted. There will be a period following a decision during which every effort will be made to repatriate them to their country of origin. Of course, that will not happen immediately after the courts have made a final decision.

The local authority can, of course, continue to provide ongoing and further support in such circumstances, which may include the continuation of a foster placement or continuing support from a personal adviser, where it considers that appropriate. The Department for Education and the Home Office will continue to work with local authorities and relevant non-governmental organisations on the development of the regulations and guidance required to implement the new arrangements for support set out in the Immigration Act 2016. Those regulations will be made under provisions that will be subject, in due course, to debate and approval in both Houses of Parliament under the affirmative procedure, which I suspect will be the forum for Opposition Members to continue pressing on the issue. I have set out the Government's position and the rationale behind it.

[Edward Timpson]

New clause 13 would require the Secretary of State to undertake an annual review of care leavers' access to education. I reassure the Committee that we already publish such information, and I will set out the measures we have already taken to better support care leavers into education, employment and training. As the hon. Member for South Shields said, the high proportion of care leavers who are not in education, employment or training is a long-standing problem.

Of course, there are many reasons for the NEET rate being higher for care leavers than for young people in the general population, not least the impact of pre-care experiences. That is why, earlier this year, we published "Keep on Caring," our new cross-Government care leaver strategy. One of the five outcomes we set out in the strategy is to improve care leavers'

"access to education, training and employment".

A number of new measures were announced in the strategy that are designed to turn that ambition into reality, including: a commitment to provide funding for a new approach to helping care leavers into education, employment and training by using social investments to fund "payment by results" contracts that reward providers only when care leavers achieve positive outcomes; and a pilot work placement programme to provide care leavers with opportunities to work in central Government Departments.

Care leavers have already been recruited to work in the Department for Education, the Department of Health and the Department for Work and Pensions. Indeed, a new member of my private office is a care leaver, and she has been a fantastic acquisition for the team. Through our new care leaver covenant, we are also encouraging organisations from across society to offer work opportunities to care leavers and to work specifically with FE and HE providers to set out a clear offer of support for care leavers studying in further and higher education.

Financial support is also already provided to care leavers in education. Where care leavers are in higher education, there is a duty on local authorities to provide a £2,000 bursary to help with the cost of studies and a requirement to provide accommodation during university holidays. Care leavers in further education can also receive financial support through the 16-to-19 bursary, for which care leavers are a priority group. The bursary provides up to £1,200 a year to support the cost of their studies. Through DWP's second chance learning initiative, care leavers are able to claim benefits while studying full time up until the age of 21.

The Government also publish data on the activity of care leavers aged 17 to 21, which previously were not available. The data identify the proportion of care leavers at each age point who are in higher education, other non-advanced education, employment or training, and those who are NEET, which provides the information necessary to track progress over time and will be a key way of ensuring that we can tell whether our changes are having the desired impact.

Steve McCabe: The Minister is describing the various things that the Department is doing to try to improve the situation. Does he recognise that a problem that young people themselves regularly identify is the number of school changes they experience as a direct result of being received into care? The Barnardo's study says that care leavers are saying that they have experienced five changes of school, which makes life difficult for them. Does he have any plans to encourage or persuade local authorities to seek to restrict those movements between schools, which is clearly impairing these young people's education?

2.30 pm

Edward Timpson: The hon. Gentleman makes an important point. About 11% of children in care still have three placements—that is placements, rather than schools—or more per year. We already have priority school admissions for children in care, so there is no excuse for their not getting the right school.

I want to ensure that as part of the fostering stocktake we are now undertaking, which is a fundamental review of how fostering is working, we also look at stability—an issue raised by Opposition Members—and, specifically, its impact on children's ability to form close and strong attachments, to build a social network around themselves and to have a strong and stable education, so that they can achieve what they are capable of in that environment. Part of that will be being clearer about what local authorities can do better, so that they can enhance the prospects of creating the stability that we know is a core ingredient of successful time in care.

I encourage the hon. Gentleman to look at the direction of the fostering stocktake and at how we can better ingrain stability in decision making, particularly at the very start of when a child enters care. Often, that first decision on the school or placement has a consequential fall-out for the child or young person if turns out not to be the right one.

Amendment 27 would require the Secretary of State to develop and publish a national minimum standard for the local offer for care leavers. Although I fully appreciate the intention behind the amendment, I should point out that there is already a set of statutory duties in the Children Act 1989 that defines a minimum level of support for care leavers. Under those provisions, local authorities must provide a personal adviser for care leavers until the age of 21, and the Bill extends that support to the age of 25.

Local authorities must develop a pathway plan for their care leavers and provide assistance, both in general and specifically, to support them with education, training and employment. Care leavers are also entitled to request support from an advocate. The local offer is designed to include care leavers' legal entitlements and additional discretionary services and support that the local authority may offer, with the legal entitlements being the minimum offer that must be provided. Beyond that—the hon. Member for South Shields will have anticipated my saying this—producing a prescribed local offer runs the risk of stifling creativity and creating a race to the bottom.

The issue gets to the nub of where we part company on the right approach. A prescribed local offer would not take account of local needs or circumstances—we want the opposite to happen, with local authorities actively providing the best possible offer and tailoring that to their local situation. We have already seen, in the likes of North Somerset and Trafford, that one outstanding care leaving service is a key beacon of good practice.

To that end, local authorities will be required to consult care leavers, as well as other persons or bodies who represent care leavers, before publishing their local offer. That will ensure the offer is informed by the views of those who will use the services set out, as well as those providing the services and supporting implementation.

The risk with minimum standards is that everyone does the minimum and no more. To ensure local authorities are encouraged and helped to go beyond the minimum standards required by the law, officials at the Department have developed a prototype local offer that sets out the kinds of things local authorities can consider when designing their local offer, rather than specifying exactly what it should include. A copy of that prototype was sent to Committee members, and the intention is to publish it.

That in part answers the questions from the hon. Member for Birmingham, Selly Oak about practice guidance or a template from which local authorities can start to craft their own local offer. I am happy to share the prototype with him if he does not have a copy. It gives a clear direction of the areas local authorities need to cover, as a baseline for the development of their own local offer, but it does not prevent them from ensuring they provide one that meets the specific needs of their own population.

Some hon. Members asked how the SEND local offer may be different. I should say at the start that I disagree with the characterisation of the impact of the local offer for special educational needs and disabilities. That came out of a very substantial process involving young people and parents to identify what they were looking for from the new system. That was during the heady days of the coalition, when Sarah Teather was in this position, so it has a lot of history behind it. I do not know whether that reassures the Committee but, be that as it may, over the last two years of implementation we have seen the SEND local offer starting to embed and develop. We now have inspections of the new SEND system by Ofsted and the CQC. One example is a 2016 report on Enfield, in which Ofsted and CQC found:

> "The local offer is informative and very helpful to parents and young people. It includes a wide range of information to help them identify where to get support and how to access available services. Over the last six months, increasing numbers of people have used the local offer to gather information."

Representatives from parent-carer forums and SEND organisations

> "are actively engaged in further improvements such as improving the local offer and making it more accessible to users."

Brian Lamb, author of the 2010 Lamb inquiry, looking at parent-carer forums as the formal conduit for parents' engagement, reported that around two-thirds of those surveyed were fully engaged in general strategic planning or in developing the local offer and that that was leading to significant changes in local authority practice in some areas. I accept that the measure has yet to achieve the desired effect right across the country, but the roots have been planted and we are getting evidence from those inspections of the difference that it is making in the engagement between families and services.

Finally, I turn to new clause 16. It seeks to introduce a national offer for care leavers that would include reducing the length of benefit sanctions under universal credit; making care leavers eligible for working tax credit; extending the exemption from the shared accommodation rate of housing benefit up to the age of 25; and exempting care leavers under the age of 25 from paying council tax.

I am familiar with the issues raised under the national offer and have had a number of meetings with the Earl of Listowel, who raised this issue in the other place. I have also had detailed conversations with the Minister for Employment, and I understand the concerns that have been raised around benefit sanctions.

Just last week, jobcentre staff were reminded about the challenges that care leavers can face. An article was featured on the DWP intranet, available to all staff, explaining the specific circumstances that care leavers can face and reminding work coaches—the interface between care leavers and the benefits system—to take account of any relevant circumstances and flexibilities when deciding whether a sanction was appropriate. What happens at that moment between the work coach and the care leaver could make the difference between that young person progressing towards employment and a retrograde step: it being more difficult for them to gain employment because of how a sanction has been applied.

The article also tells staff about the ambitions we have for care leavers as set out in "Keep On Caring", the refreshed cross-government care leaver strategy, and clearly lists all the DWP support available to care leavers. I thank the Minister for Employment for taking this action. We will continue to work together to reassure the hon. Member for Stretford and Urmston that we want to see what more we can do, so that the experience of the care leaver in that situation is much better.

At the heart of that is identification. If those who first see a care leaver coming into a jobcentre are blissfully unaware that they have come from the care system, inevitably, they will potentially miss taking a very different approach from the one they end up taking. Although we have a flagging system in the jobcentre computer network, it is based on self-identification. We want to do more work to see how we can ensure that, before a care leaver comes into contact with the benefits system, that is already flagged, so that we can get more consistency in the approach taken by jobcentres. Of course, we want to work towards no care leaver having to move straight into the benefits system. That is why the work to improve their opportunities for education and training and the expansion of the role of the personal adviser are all going to be important. However, these flexibilities can only be considered if Jobcentre Plus staff are made aware of a care leaver's status in the first place. We will work hard to make sure that the situation improves on the ground.

On eligibility for working tax credit, I remind the Committee that we are currently rolling out universal credit—in case anyone had forgotten. That will replace the current system of means-tested working age benefits, including tax credits; it will replace tax credits for all new claims by October 2018. It is designed to simplify the benefit system and to provide in-work support and incentives to work for all claimants aged 18 or over. However, it is important to note that the requirement for workers to be aged 25 or over will not apply with universal credit. Care leavers aged 18 and over in low-paid work, who are currently unable to claim working tax credit, will be able to claim universal credit, subject to the normal rules on taking account of earnings. I have a

[Edward Timpson]

case study, which I am happy to share outside the Committee, of a 19-year-old care leaver, which demonstrates the impact that will have. Those people will receive uplifts in the new system that they do not get in the system we have at present.

On the exemption from the shared accommodation rate, I have real sympathy with the hon. Lady's arguments. I reassure her that this is something that we are looking at. As she said, we are exploring the evidence regarding the need for this change and have asked the Children's Society to provide examples of how the current rules impact on care leavers, in the hope we can make some progress.

Kate Green: I want to return to what the Minister said about the different treatment, under universal credit, of care leavers under 25, compared with working tax credit. Can he say how many care leavers are currently in receipt of working tax credit? Presumably, as they come to adult age and as new claimants, they are predominantly being moved straight on to universal credit at the end of the benefits system. A small number may remain in the situation where they would be eligible only for working tax credit. Can the Minister say how quickly they can be migrated to universal credit?

Edward Timpson: I do not have those figures to hand. One of the issues I raised earlier is around identification and knowing who is accessing benefits and is also a care leaver. We need to improve that information, hence the additional data we are now collecting as a Department. That will give us a more granular understanding of who these young people are and how they have come into contact with the benefits system. I will write to the hon. Lady with more details about that, so she has as much information as we can give.

It is important we start to understand where this leads, what the destination inevitably is and what we could have done in the intervening period to make the direction in which a young person goes different. I am happy to give the hon. Lady further information about that.

Steve McCabe: This is a minor point on the same sort of area. As I understand universal credit, where that applies to the youth obligation, that obligation will be available to young people only in areas where universal credit is fully operational. In those circumstances, what will be the provision for youngsters leaving care? We could end up in a situation where youngsters leaving care in some parts of the country will be entitled to a different set of opportunities from those in areas where universal credit is fully operational. Has the Minister had an opportunity to look at that, or will he look at that and come back to us? It has not been presented quite like that, from my understanding.

Edward Timpson: I understand the hon. Gentleman's point. Any roll-out as wide and as significant as universal credit is going to have various knock-on effects, depending on what other initiatives fall off the back of those changes. I will take that away and talk to my colleagues in the Department for Work and Pensions to see whether that has been factored in as part of the roll-out through to 2018.

I want to reiterate that care leavers cannot currently claim working tax credit. Anyone over 18 on universal credit will be able to claim in-work benefits. We want to ensure that care leavers are aware of that and that they get the necessary support that falls off the back of that change.

I turn to the issue of paying council tax. We believe, as a long-standing position, that local council tax support is and should be a matter for local authorities, hence the Government giving councils wide powers to design council tax support schemes that protect the most vulnerable. We know that authorities such as Birmingham and Wolverhampton have already taken the decision to exempt care leavers from council tax and I applaud them for doing so.

2.45 pm

I want to highlight to councils the support already provided by other authorities around the country to exempt or discount council tax payments for care leavers, because that is a demonstration of what can be done with a bit of creative thinking and understanding of the economic benefits as well as the social and emotional benefits for that young person. I have, therefore, agreed with the Department for Communities and Local Government to write to each local authority, highlighting the local offer for care leavers that will be introduced through this clause, and the flexibility to use the council tax system to provide financial support to care leavers.

I hope that I have covered all the points raised by hon. Members and that the hon. Member for South Shields is reassured by what I have said about the extensive support already available to care leavers and the work that is under way to provide more. On that basis, I urge her to withdraw her amendment.

Mrs Emma Lewell-Buck (South Shields) (Lab): I will be brief in my closing comments. With regard to new clause 13, it appears that the Government are taking some steps in the correct direction with their "Keep On Caring" document. It looks like endeavours are in place to get some action on these long-standing issues, so I am happy not to press new clause 13. However, I would like to put the rest of my amendments to a vote.

With regard to amendment 27 and new clause 16, the fact remains that every care leaver deserves the same provision across the board. They deserve to know what that provision is and financial support is key to that. I acknowledge that the Minister has worked with the Department for Work and Pensions, but I have a strange feeling that the DWP perhaps does not share his sentiments or drive for these issues.

On amendment 26, on unaccompanied asylum-seeking children, I do not feel that the Minister has addressed or acknowledged that those children are being treated differently from other children. Therefore, I would like to press those three to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 2]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Fellows, Marion	
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Fernandes, Suella	Syms, Mr Robert
Hoare, Simon	Timpson, Edward
Kennedy, Seema	Tomlinson, Michael
Merriman, Huw	Whately, Helen

Question accordingly negatived.

Amendment proposed: 26, in clause 2, page 3, line 20, at end insert—

"(e) unaccompanied asylum seeking children up to the point that they leave the United Kingdom"—*(Mrs Lewell-Buck.)*

This amendment introduces an additional definition for "care leavers".

The Committee divided: Ayes 6, Noes 10.

Division No. 3]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Fernandes, Suella	Syms, Mr Robert
Hoare, Simon	Timpson, Edward
Kennedy, Seema	Tomlinson, Michael
Merriman, Huw	Whately, Helen

Question accordingly negatived.

Clause 2 ordered to stand part of the Bill.

Clause 3

ADVICE AND SUPPORT

Mrs Lewell-Buck: I beg to move amendment 28, in clause 3, page 4, line 10, after "the" insert—

"physical and mental health, emotional well-being and".

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

Amendment 30, in clause 3, page 4, line 11, after "child" insert—

", including their needs as a young parent where applicable,".

Amendment 29, in clause 3, page 4, line 16, at end insert—

"(5A) The assessment of the former relevant child's mental health and emotional well-being under subsection (5) must be carried out by a qualified mental health professional."

Amendment 31, in clause 3, page 4, line 26, at end insert—

"(9) In this section "young parent" means—

(a) an expectant parent,

(b) a parent who has their child or children in care, or

(c) a parent who had a child removed to kinship care, local authority care, or adoption."

Mrs Lewell-Buck: It is a pleasure to serve under your chairmanship again, Mr Wilson.

Amendment 28 would extend the duty on local authorities set out in clause 3 to include access to a mental health assessment for care leavers. When a care leaver requests support from their local authority and the local authority conducts an assessment of their needs, it must include an assessment of mental health and emotional wellbeing that is carried out by a qualified mental health professional. The corporate parenting principles set out in clause 1 make it clear that local authorities should promote the mental health and wellbeing of care leavers. Currently, there is huge amount of unmet need in the area due to squeezed budgets, high thresholds and the lack of relevant specialism in adult mental health services.

Tulip Siddiq: Is my hon. Friend aware that there are now 5,000 fewer mental health nurses than there were in 2010, and 1,500 fewer mental health beds? The amendment is more important than ever to ensure that mental health does not slip even further down the agenda.

Mrs Lewell-Buck: I was not aware of those statistics. I knew the situation was dire, but I did not realise how bad it had actually become.

Young people leaving care are much more likely to have mental health problems than other young people: they are five times more likely to attempt suicide; many have suffered abuse or neglect before coming into care; and they may have moved around several placements, making it hard to form stable relationships with carers, professionals or even friends.

The Government have committed to piloting mental health assessments for children in care, but there was no mention of young people over 18 who have left care. We all know that turning 18 does not mean that people stop being vulnerable and stop needing support. In fact, mental health problems often manifest at the challenging time of transition into adulthood. At 18, young people can no longer access child and adolescent mental health services; they have to rely on adult services—but only if they are lucky enough not to slip through the net in transition. The reality is that if young people with mental health needs are not getting help, it is unlikely that they will be able to make the most of other opportunities such as education, training or employment, because mental health problems can have a debilitating effect on all other areas of their life.

On Second Reading in the House of Lords, Lord Nash acknowledged that:

"All the evidence shows that care leavers are among the most vulnerable young people in our society. Many are still struggling to overcome the impact of the trauma they faced in childhood and, in most cases, they are expected to make the transition into adulthood without the unconditional love and support of a family or close circle of friends. As a consequence, they are far more likely to end up NEET, more likely to experience homelessness or mental health issues, and more likely to end up in the criminal justice system. However, with good, stable care and a more personalised and supported transition into adulthood, those stark facts need not be the culmination of their time in and leaving care."—[*Official Report, House of Lords,* 14 June 2016; Vol. 773, c. 112.]

Clearly the Government know what the problem is, yet they have still failed to provide a full solution.

If the mental health and emotional wellbeing of every child leaving care is not professionally assessed, how will we know whether they are ready to cope in the adult environment? We cannot just expect them to leave care and cope in a vacuum, without some appraisal of

[Mrs Lewell-Buck]

their wellbeing. We would not allow that for a physical problem so we should not allow it for a mental health one. We must put in place measures to prevent care leavers from falling off the cliff edge of care. Assessments would provide a basis for care leavers to address their future needs, albeit under a different system.

Given the vulnerability of the young people in question and the likelihood that they will face challenges relating to mental health or emotional wellbeing coupled with the difficulty of accessing those services, it would be good if the Minister took the opportunity to extend the duty in clause 3 to include mental health. Amendment 29 would extend the duty on local authorities to include access to a mental health assessment for care leavers; and it would ensure that if amendment 28 is agreed, the assessment will be carried out by a qualified mental health professional.

The Conservative-led Select Committee on Education rightly recommended that a dedicated mental health assessment by a qualified mental health professional be completed for all looked-after children, so healthcare professionals and local authorities have a solid and consistent foundation on which to plan the best care for a child. The recommendation was based on an extensive body of evidence from experts that clearly showed why more action and less talk are needed.

The Government's response to the Select Committee report on mental health acknowledged the vulnerability of looked-after children and the need for timely and effective mental health diagnosis and treatment. The Chair of the Committee said of the Government's response:

"We are pleased that the Government have set up an expert working group for looked-after children's mental health and wellbeing; however, having conducted a lengthy and detailed inquiry on the issue, we are disappointed ?that so many of our recommendations have simply been referred to that group."—[*Official Report,* 20 October 2016; Vol. 615, c. 496WH.]

I was similarly dismayed to observe that the Government's response to the report deflected many answers to the new expert working group on the mental health of looked-after and care-leaving children. Although I make no criticism of the experts appointed to the group, both chairs of the expert panel had already submitted evidence to the Committee, so further consultation seems a somewhat unnecessary duplication. The consultation will serve only to cause further delays, meaning that more children will suffer unnecessarily.

Services are inconsistent across the country, and initial mental health assessments are highly variable. Many local authorities are not meeting their statutory requirements to ensure that all children are properly assessed even when they enter care, so it is important that we get the basics right. We can do so only with professional assessment as children enter and leave care.

It is astonishing that currently children entering care are asked to fill in strengths and difficulties questionnaires, from which it is decided by people who are most likely not medically trained whether the child qualifies for mental health intervention. Administration of the forms from local authority to local authority is patchy, with great variations in timeliness of completing the form. It is not uncommon for the questionnaire not to be completed at all. Only a trained mental health practitioner should be able to assess a patient's needs; such needs cannot be determined simply from ticked boxes on a form.

It is not enough just to say that help is out there. There are difficulties with the availability of mental health provision for all children, including difficulties accessing and navigating the system. Accessing mental health care, asking for help and overcoming stigma are hard enough for any young person, even those with strong, supportive families; we must acknowledge that. A mental health assessment is one step in ensuring that children get the care and support they need for healing to take place and for them to be integrated into society and feel part of it. That is why they must be assessed on leaving care as well. The whole point is to ensure that care leavers are robust enough to leave care as independent adults who can go out and find work, start families and participate in society fully, like everyone else.

Amendments 30 and 31 strengthen support for care leavers who are also parents. Despite their extreme vulnerability, the particular needs and circumstances of young parents who are looked-after children or care leavers and whose own children are subject to child protection inquiries are not sufficiently identified, recognised or addressed in care planning regulations and guidance. These amendments seek to establish a duty on local authorities to ensure that advice, assistance and support are offered to all looked-after children and care leavers who are young parents. It will help ensure that important information is not overlooked when plans for such young people are made by expressly identifying critical sources of information which should be drawn upon in formulating plans to keep the young parent's child safely in their care.

3 pm

Kate Green: Some people leaving care do become young parents very quickly, but that is not always a recipe for problems for themselves or for their children—indeed, those young parents can be very enthusiastic and committed parents, determined to do the best for their child. However, many lack family support. Does my hon. Friend agree that they need help to be good parents, but also encouragement and family assistance of the kind that other parents perhaps draw from their own family members?

Mrs Lewell-Buck: Many children who have left care go on to be fantastic parents, but those who need an extra bit of support should be recognised in the legislation. This amendment seeks to achieve that.

While the Government have suggested that existing statutory guidance makes some reference to young people who are young parents, we need to recognise and respond more robustly to the additional vulnerabilities of this group of care leavers in a way which is not presently provided for in primary or secondary legislation. Evidence from the Centre for Social Justice in 2015 based on data provided by 93 local authorities revealed that 22% of female care leavers became teenage mothers. That is three times the national average. The same report identified that one in 10 care leavers aged 16 to 21 have had their own children taken into care. Care leavers are particularly vulnerable to early pregnancy, early parenthood and losing their child to the care system.

A recent research project carried out by Professor Broadhurst based on national records from the Children and Family Court Advisory and Support Service between 2007 and 2014 examined cases relating to 43,541 birth mothers involved in care proceedings. The study estimated

that around a quarter of these mothers who had a child subject to care proceedings will have sequential care proceedings about another of their children. The study found that young women aged 16 to 19 years were most at risk of experiencing repeat proceedings, with almost one in every three women in this age group estimated to reappear. Provisional results from the study's further in-depth analysis of court files indicate that more than six out of 10 others who had children sequentially removed were teenagers when they had their first child. Of those mothers, 40% were in care or had been looked after in the care system for some of their own childhood.

Like most parents who are subject to the child protection system, young parents often feel lost, angry and scared. However, many of these young parents, particularly care leavers, also have multiple challenges. Some of them are alienated by prior negative experiences of state services in their childhood, making it difficult for them to engage with professionals. At times, this lack of parental co-operation can be a trigger for the issuing of care proceedings. Young parents often feel judged by their youth and background rather than by their parenting abilities. That is particularly the case for care leavers, who often feel that being in care itself counts as a negative against them. Previous childhood experiences including suffering abuse, mental health problems and exclusion from school may adversely impact on their resilience, their resources, their support networks and their ability to deal with both the challenges of transitioning to adulthood and being a parent. Young parents who are care leavers also identify that even where support has been provided to them in their capacity as young people leaving care, the support often ignores their role as parents or fails to assist them in safely raising and keeping their child.

As referred to in new clause 16, a national offer for care leavers would go some way to mitigate the financial challenges that care leavers face, which are only exacerbated when they become parents themselves. Our amendments would ensure that their needs as parents were fully taken into account.

Edward Timpson: I thank the hon. Lady for tabling amendments 28 to 31, which would provide that when a local authority assesses care leavers' needs, they must take account of that young person's requirements in relation to their physical and mental health, their emotional wellbeing and their needs as a young parent if that applies. Amendment 29 would require that any mental health assessment should be conducted by a qualified professional. I recognise that these issues are important, and that they could impact significantly on the lives of care leavers, whose health and wellbeing outcomes tend to be worse than for young people who have never been in care. The likelihood of care leavers becoming teenage parents is also much greater than for their peers, for the reasons set out by the hon. Lady in her speech.

There are, however, many other wider issues, such as health and development, education, training and employment, and financial and accommodation needs, which are also vital to care leavers' transition to independent life and adulthood. All these issues— it would not be practical to list them all—are arguably of equal importance and will be different for every child, so I do not agree with giving some more weight than others. It is also unnecessary because these and other issues are already comprehensively covered in volume 3 of "The Children Act 1989 guidance and regulations". The statutory guidance is clear that local authorities must produce for each care leaver a comprehensive pathway plan, which must be based on an up-to-date and thorough needs assessment taking into account how to support their health and development and their physical, emotional and mental health needs. I shall read a small extract from that guidance, which states that pathway plans must address the

"young person's health and development building on the information included in the young person's health plan established within their care plan when they were looked after"

and that personal advisers, who, under the clause, will cover all care leavers up to the age of 25,

"should work closely with doctors and nurses involved in health assessments and would benefit from training in how to promote both physical and mental health."

I reiterate that the Government have established the expert group on the mental health of looked-after children and care leavers, and we have asked them to recommend the most appropriate way to deliver the care. The group have already met twice, and I have met them, and they are free to make recommendations during the period of their work. Their remit is substantial and wider than that which they had in relation to the Education Committee, albeit that that also had worth.

On the initial assessment when a child comes into care, it is not just a strengths and difficulties questionnaire, as regulations already require the responsible authority to ensure that all looked-after children have an initial health assessment by a registered medical practitioner, who should cover their emotional and mental health as well as their physical health needs. The reason we wanted the expert group to consider the matter is that there will be circumstances where it is not appropriate for a child coming into care to have a mental health assessment at that specific moment, either because they have suffered trauma at the moment of coming into care, or because they are a newborn baby, or because other elements in their circumstances might require it to be done in a more individually appropriate way. That will ensure that the right decisions are made about how to get to the bottom of what may be underlying issues due to pre-care experiences. We do not want to set a single process that restricts those who are charged with responsibilities to ensure that they take the appropriate action for that child.

Steve McCabe: I understand the Minister's point about a relatively young child or a baby not necessarily having a mental health assessment, but who would make the decision whether it was appropriate for a child to have a mental health assessment? Would it be a qualified mental health practitioner who would have the ability to make that judgment, or would it be a member of the local authority, or a member of the residential home, or the social worker? There is clearly a temptation for people to say, "Well, it is not appropriate at the moment." Given what we now know about the longer-term effect on the mental health of many of these children, who is the most appropriate person to make that judgment, and at what stage?

Edward Timpson: As I set out a few moments ago, the regulations make it clear that the health assessment is carried out by a registered medical practitioner.

Steve McCabe: That's not what I asked.

Edward Timpson: The hon. Gentleman asked who makes the decision, and the regulations are clear about who carries out the assessment. He knows as well as I do that local authorities have a responsibility to triage cases according to the law and the regulations that apply. If he is suggesting that it should or should not be a certain person, I would be interested to hear his views.

Steve McCabe: That is not quite what I asked. It is all very well to say that, at the moment, a child coming into care has a regular health assessment, but the Minister then told us why it would not be appropriate at certain stages or certain ages for children to have a mental health assessment. He is making that judgment at the moment. I am asking who is entitled to make a judgment about a child's mental health, given what we now know about the long-term consequences for many of these children.

Edward Timpson: I have already explained to the hon. Gentleman that the process is clearly set out in law. I am not making that judgment; I am reflecting on the evidence provided by others about the experience of children who are brought into the care system. The whole point of the expert group is to try to ensure that the care pathway that is created for each child coming into care will ensure that they get the right support based on the right diagnosis at the right time. We want to avoid ending up with a process at the inception of a child's time in care that does not enable that pathway to be created in a way that meets their individual needs.

The hon. Member for South Shields spoke about the most vulnerable mothers who have had multiple children taken into care. As we know, that group includes a disproportionate number of care leavers. I draw the Committee's attention to the Pause programme, which seeks to break the intergenerational cycle of care, which the hon. Member for Stretford and Urmston mentioned. Pause has been operating in Hackney for some time and has now been extended to six other local authority areas, with funding from my Department's innovation programme.

Last month, the Secretary of State announced funding to roll out the Pause programme in a further nine areas, bringing Government funding support to more than £6.4 million in the next four years. The programme works intensively with young women to prevent repeat pregnancies and the subsequent removal of their children into care. The initial findings are extremely encouraging and, by extending the programme, we want to reach out to more parts of the country so that more mothers who find themselves in that situation get the support they need so that they can make good life choices and have a future that is not just about turning up at court once every few years to fight for custody of their own child.

Mrs Lewell-Buck: Notwithstanding the good work being done through the Pause programme, does the Minister accept that the work is rather piecemeal? It is not happening in every local authority. As I said earlier, we should be offering such services to everyone across the board, not just to some people who live in certain local authority areas. What happens when this innovation money runs out? Do we just go back to where we were?

3.15 pm

Edward Timpson: I will answer that question in two parts. First, interested parties always ask for evidence when we try something new. Before we roll out a programme nationally, we want to be able to demonstrate that it will be effective in tackling the issue that it was set up to try to resolve. Before we roll out a programme nationally, we want to be able to demonstrate that it will be effective in tackling the issue that it was set up to try to resolve.

Secondly, of course we want to ensure that we get uniformity right throughout the country, but the only way we can establish whether the care leaving services work well is by having a strong legal framework backed up by strong accountability. When services work well—we now have four or five councils with an outstanding care leaving service—we need to get better at spreading that good practice. The new What Works centre is going to be a good way of achieving that. We must ensure that we find out where local authorities are falling short. That may be in the transitional work they are doing on the care pathway that is put in place to plan for the young person's future, including the need to secure their emotional and mental health needs.

I do not disagree with the hon. Member for South Shields about the concerns she has expressed, which is why we are trying to tackle the problem through the innovation programme and the extension of the role of the personal adviser, who has an important part to play in providing mentoring support and engaging young people in the services they need, pushing their elbows out on their behalf so that by the time they reach 25 they are in a much stronger emotional, mental, physical and financial state than would otherwise have been the case. I do not think the approach the hon. Lady is suggesting would help in the way that she would hope. For the reasons I have set out, the Government are taking this approach because we want to try to tackle the problem that we both acknowledge remains long-standing. We are determined to do more than ever to put it right.

Mrs Lewell-Buck: The other part of my previous question was what happens in the areas we are discussing when the innovation money runs out? I am assuming that each programme is time-limited.

Edward Timpson: Every innovation programme, of which we have more than 50 throughout the country and in every region, is provided with funding for the duration of the programme only if can show how it will be sustainable in the long term. That is done through an independent panel that makes decisions about which programmes should be supported and which should not. The panel will feed directly into the What Works centre so that other parts of the country can learn from projects that have already demonstrated a discernible impact in the area that they hoped to help through their initial proposal.

Take the example of North Yorkshire, where the No Wrong Door project to support care leavers has been hugely successful in improving support for care leavers. That model is now being shared and replicated—albeit crafted to meet individual need—based on the fact that it is showing benefits not only in North Yorkshire but in

other parts of the country. The model is one of creating the evidence base, having the ability to spread best practice, and then ensuring that the sustainability proposed in the original programme is there. On that basis, I urge the hon. Lady to withdraw the amendment.

Mrs Lewell-Buck: If I withdrew the amendments, would the Minister consider updating some of the guidance on mental health assessments? In the pathway plans I have seen in the past they are not given the prominence they should have.

Tulip Siddiq: I echo the shadow Minister's comments on pathways. In the past three years, the number of female teenagers who have been admitted to hospital with eating disorders has more than doubled. That is particularly relevant for female care leavers who suffer eating disorders such as bulimia, anorexia and binge eating. A lot of these disorders were not reflected in the past and were not at the forefront of the minds of the people assessing not only care leavers but teenagers in general, especially female teenagers. The Mental Health Foundation clearly labels eating disorders as mental health problems. Will the shadow Minister comment on the fact that when we make legislation and take into account society's problems, we need to be aware that things are changing? Things that did not previously have the prominence they have now must be acknowledged by authorities, especially with the rise of social media—

The Chair: Order. That was only supposed to have been an intervention.

Tulip Siddiq: I have made my point. I apologise.

Mrs Lewell-Buck: I beg to ask leave to withdraw the amendment, but perhaps will return to the matter at a later date. However, I wish to press to a vote the amendments on recognising care-leaving parents, who have particular vulnerabilities. The Minister has not satisfied me that they are being provided for in a holistic way, as it seems to depend on which local authority area people live in.

Amendment proposed: 30, in clause 3, page 4, line 11, after "child" insert ", including their needs as a young parent where applicable,"—*(Mrs Lewell-Buck.)*

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 4]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Fernandes, Suella	Syms, Mr Robert
Hoare, Simon	Timpson, Edward
Kennedy, Seema	Tomlinson, Michael
Merriman, Huw	Whately, Helen

Question accordingly negatived.

The Chair: Amendment 31 is consequential upon amendment 30, which has just been defeated. It follows that it will not be called for a separate Division.

Clause 3 ordered to stand part of the Bill.

Clause 4

DUTY OF LOCAL AUTHORITY IN RELATION TO PREVIOUSLY LOOKED AFTER CHILDREN

Edward Timpson: I beg to move amendment 1, in clause 4, page 5, line 35, leave out from beginning to end of line 4 on page 6 and insert—

'(6) In this section—

"relevant child" means—

(a) a child who was looked after by the local authority or another local authority in England or Wales but ceased to be so looked after as a result of—

(b) a child who appears to the local authority—

This amendment, together with amendment 2, would extend the duty of a local authority under clause 4 (duty to provide information and advice for promoting educational achievement) to children who were adopted from state care outside England and Wales.

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

Amendment 32, in clause 4, page 6, line 4, at end insert—

"(d) returning home to the care of a parent."

This amendment, together with amendments 33 and 34, would ensure children returning home after a period in care are afforded the same promotion of their educational attainment as those children who have ceased to be in care as a result of adoption, special guardianship orders or child arrangements orders.

Government amendments 2 and 3,

Amendment 33, in clause 5, page 6, line 36, at end insert—

"(d) returning home to the care of a parent."

See explanatory statement for amendment 32.

Government amendments 4 to 6,

Amendment 34, in clause 6, page 7, line 46, at end insert—

"(c) was looked after by a local authority but has ceased to be so looked after as a result of returning home to the care of a parent."

See explanatory statement for amendment 32.

Government amendments 7 and 8.

Edward Timpson: Government amendments 1 to 8 would extend the remit of clauses 4 to 6 to include children adopted from the equivalent of state care in countries outside England and Wales. Clause 4 requires local authorities, through the virtual school head, to make advice and information available to parents and designated teachers in maintained schools and academies, for the purpose of promoting the educational achievement of children who ceased to be looked after by the local authority as a result of a permanence order. Clauses 5 and 6 place a duty on maintained schools and academies to appoint a designated teacher to promote the educational achievement of pupils. These amendments will extend these entitlements to children from other countries who are now in education in England and who were adopted from a form of care equivalent to being looked after by a local authority in England and Wales.

[Edward Timpson]

While it remains the Government's top priority to continue to focus on support for children who are looked after by our care system, we understand that children adopted from similar circumstances in other countries are likely to face many of the same issues. In addition, they are living in a new country with a different culture and so they, too, are vulnerable. The Government acknowledged this earlier this year, when we opened up the Adoption Support Fund to these children and their families, giving them access to much-needed therapeutic services. So far there have been 40 applications to the fund from this group. The amendments acknowledge that, like children adopted in this country, children adopted overseas will often be coping with the emotional impact of trauma suffered in their early lives and that that can act as a barrier to their progress at school.

We know that there is an attainment gap for previously looked-after children in this country. It is, therefore, reasonable to deduce that that might also be the case for children adopted from elsewhere. There is, of course, much variation between the care systems in other countries so it is important that we ensure as much parity as possible with the eligibility criteria for children in this country who are eligible for the entitlements in clauses 4 to 6. I believe the amendments achieve just that.

A child who is cared for by a public authority, a religious organisation or charitable type of organisation before being adopted will now be able to access this support in school. The Government will set out in statutory guidance more detail on eligibility and the process for confirming such eligibility, so I hope hon. Members will support the amendments.

I am grateful to the hon. Member for South Shields for amendments 32 to 34, which would extend the duty of the virtual school head and designated teacher to promote the educational achievement of children who cease to be looked after because they returned home to the care of their birth parent or parents. I agree that children taken into care who later return to their birth parent or parents may also be vulnerable and need extra support in education. Many come from disadvantaged backgrounds and it is important that they and their families are given the support that they need.

Where a child ceases to be looked after because they return home, a child will be a child in need and a plan must be drawn up to identify the support and services that will be needed by the child and family to ensure that the return home is successful. That should take into account the child's needs, the parenting capacity of those with parental responsibility and the wider context of family and environmental factors reflecting the child's changed status. That would include how the parents can support the child to attend and do well at school and the virtual school head would be involved in those transitional arrangements.

Like other children who are disadvantaged, these children's needs should be met by mainstream education services. Many will be eligible for additional educational entitlement such as free early education from the age of two and the pupil premium, which provides extra help and support through additional funding for early years settings and schools. Most importantly, these children will continue to have their birth parent or parents who, with the encouragement of schools, should play a full part in their child's education.

Children who are looked after who cannot return to their birth parents face very different challenges. They are among the most vulnerable in our society because of the neglect and abuse suffered in their early years but also because they have to build new relationships and attachments with new carers. Leaving care through, for example, adoption means children have to start again to begin a new life with new parents or carers. We owe it to the child and the child's new parents or carers to continue to provide support, whether in education by retaining access to the virtual school head or in other areas to give them the best chance of building a new life that is happy and fulfilling.

We must take care not to dilute the virtual school head's role as the corporate parent for looked-after children in education to the extent that they are spread so thinly that they have little impact. Virtual school heads want to build their capacity to ensure that they can do justice to their role and ensure that every child under their wing gets the support they need through the pupil premium plus and the work of the virtual school head. I hope, on that basis, that the hon. Lady will not press her amendments.

Mrs Lewell-Buck: I welcome the Government amendments—something I hope to do again during the passage of the Bill. We welcome the fact that, when the Government see that the Bill is incomplete or that there are obvious or indefensible omissions, they take necessary steps to rectify them, and we will always support them in that. I hope that we will be able to support the Government at other points during the passage of the Bill.

Extending the provisions of clauses 4 and 5 to apply to children who were previously in state care outside England and Wales is a welcome move. I am sure that the Minister agrees with me that all children, whatever their background, who either need or are leaving care deserve the best opportunities available. Ensuring that those who were previously in care in other countries will receive some of the support outlined in the Bill is a good first step towards ensuring that all looked-after and previously looked-after children get the care that they need. I am sure that the Minister has seen that colleagues and I tabled a number of amendments to the Bill based on those principles, including amendments that would ensure that services provided were in keeping with the UN convention on the rights of the child, and that unaccompanied refugee children were given the support that they need.

3.30 pm

If the Minister is serious about the principles that his welcome amendments to clauses 4 and 5 lay out, and wants to support all vulnerable children and give them the opportunities that they need, we will perhaps see him and his colleagues agreeing with us a lot more in Committee.

Let me turn to my amendments. Amendments 32 to 34 would amend clauses 4 to 6 to ensure that children returning home who have ceased to be looked after receive the same educational advice and information as those who cease to be looked after as a result of adoption, special guardianship orders or child arrangement orders. A lack of educational achievement is one of the biggest obstacles for children who have experienced the care

system. Children who are or have been in care are one of the poorest-performing groups, in terms of educational outcomes. Research undertaken by the national pupil database found that children in need—a category that includes the children who have returned home—tend to require even more encouragement and support when it comes to educational attainment. Those children were found to be more likely to have special educational needs and poor attendance, and to have more exclusions and progressively poorer relative attainment as they went through school, than children actually in care.

In 2011, 39% of children leaving care in England returned home. There are more than 10,000 children in that situation. Children in need are also more likely to be permanently excluded than those in care. It is absolutely vital that children who have been previously in care and return home are properly supported to succeed at school. Children who may have moved into the care system and back out of it will have experienced changes of placement, and may have also changed schools.

Although we recognise the importance of making provisions to promote the educational attainment of those children who have ceased to be in care as a result of special guardianship, child arrangements or adoption, the Bill does not go far enough in meeting the needs of those children who have been in care and have returned home. It cannot be right that those children who have been adopted or have found permanence through special guardianship are afforded different rights from those children who have returned home. I will therefore press amendments 32, 33 and 34 to a vote.

Amendment 1 agreed to.

Amendment proposed: 32, in clause 4, page 6, line 4, at end insert—

"(d) returning home to the care of a parent.".—(*Mrs Emma Lewell-Buck.*)

This amendment, together with amendments 33 and 34, would ensure children returning home after a period in care are afforded the same promotion of their educational attainment as those children who have ceased to be in care as a result of adoption, special guardianship orders or child arrangements orders.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 5]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Fernandes, Suella	Syms, Mr Robert
Hoare, Simon	Timpson, Edward
Kennedy, Seema	Tomlinson, Michael
Merriman, Huw	Whately, Helen

Question accordingly negatived.

Amendment made: 2, in clause 4, page 6, line 13, at end insert—

"(8) For the purposes of this section a child is in "state care" if he or she is in the care of, or accommodated by—

(a) a public authority,

(b) a religious organisation, or

(c) any other organisation the sole or main purpose of which is to benefit society.".—(*Edward Timpson.*)

See the explanatory statement for amendment 1.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5

MAINTAINED SCHOOLS: STAFF MEMBER FOR PREVIOUSLY LOOKED AFTER PUPILS

Amendment made: 3, in clause 5, page 6, leave out lines 24 to 36 and insert—

'(2) A registered pupil is within this subsection if the pupil—

(a) was looked after by a local authority but ceased to be looked after by them as a result of—

(i) a child arrangements order (within the meaning given by section 8(1) of the 1989 Act) which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,

(ii) a special guardianship order (within the meaning given by section 14A(1) of the 1989 Act), or

(iii) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002), or

(b) appears to the governing body—

(i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and

(ii) to have ceased to be in that state care as a result of being adopted." —(*Edward Timpson.*)

This amendment, together with amendment 5, would extend the duty of a governing body of a maintained school under clause 5 (duty to appoint staff member for promoting educational achievement) to children who were adopted from state care outside England and Wales.

Amendment proposed: 33, in clause 5, page 6, line 36, at end insert—

"(d) returning home to the care of a parent.".—(*Mrs Lewell-Buck.*)

See explanatory statement for amendment 32.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 6]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Fernandes, Suella	Syms, Mr Robert
Hoare, Simon	Timpson, Edward
Kennedy, Seema	Tomlinson, Michael
Merriman, Huw	Whately, Helen

Question accordingly negatived.

Amendments made: 4, in clause 5, page 6, line 43, leave out from "is" to end of line 45 and insert

""looked after by a local authority" if the person is looked after by a local authority for the purposes of the 1989 Act or Part 6 of the 2014 Act."

This amendment and amendment 7 make changes to reflect the fact that provision about looked after children in Wales is now in Part 6 of the Social Services and Well-being (Wales) Act 2014, instead of in the Children Act 1989.

Amendment 5, in clause 5, page 6, line 45, at end insert—

'(5A) For the purposes of this section a person is in "state care" if he or she is in the care of, or accommodated by—

(a) a public authority,

(b) a religious organisation, or

(c) any other organisation the sole or main purpose of which is to benefit society.".—*(Edward Timpson.)*

See the explanatory statement for amendment 3.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6

ACADEMIES: STAFF MEMBER FOR LOOKED AFTER AND PREVIOUSLY LOOKED AFTER PUPILS

Amendment made: 6, in clause 6, page 7, line 46, at end insert

"or

(c) appears to the proprietor of the Academy—

(i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and

(ii) to have ceased to be in that state care as a result of being adopted;".—*(Edward Timpson.)*

This amendment, together with amendment 8, would extend the duty of an Academy proprietor included in an Academy agreement under clause 6 (duty to appoint staff member for promoting educational achievement) to children who were adopted from state care outside England and Wales.

Amendment proposed: 34, in clause 6, page 7, line 46, at end insert—

"(c) was looked after by a local authority but has ceased to be so looked after as a result of returning home to the care of a parent.".—*(Mrs Lewell-Buck.)*

See explanatory statement for amendment 32.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 7]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Fernandes, Suella	Syms, Mr Robert
Hoare, Simon	Timpson, Edward
Kennedy, Seema	Tomlinson, Michael
Merriman, Huw	Whately, Helen

Question accordingly negatived.

Amendments made: 7, in clause 6, page 8, line 11, leave out from "is" to end of line 13 and insert

""looked after by a local authority" if the person is looked after by a local authority for the purposes of the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014 (anaw 4)."

See the explanatory statement for amendment 4.

Amendment 8, in clause 6, page 8, line 13, at end insert—

'(5A) For the purposes of this section a person is in "state care" if he or she is in the care of, or accommodated by—

(a) a public authority,

(b) a religious organisation, or

(c) any other organisation the sole or main purpose of which is to benefit society.".—*(Edward Timpson.)*

See the explanatory statement for amendment 6.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

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

3.40 pm

Adjourned till Thursday 15 December at half-past Eleven o'clock.

Written evidence reported to the House

CSWB 01 A parent of a child in care with Asperger Syndrome/ASC

CSWB 03 Royal College of Speech and Language Therapists

CSWB 04 The Children's Society

CSWB 05 Professional Standards Authority for Health and Social Care

CSWB 06 Royal College of Paediatrics and Child Health

CSWB 07 Terrence Higgins Trust

CSWB 08 Legal Action for Women

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

Third Sitting

Thursday 15 December 2016

(Morning)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 19 December 2016

The Committee consisted of the following Members:

Chairs: † Mrs Anne Main, Phil Wilson

† Caulfield, Maria *(Lewes)* (Con)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Fellows, Marion *(Motherwell and Wishaw)* (SNP)
Fernandes, Suella *(Fareham)* (Con)
† Green, Kate *(Stretford and Urmston)* (Lab)
† Hoare, Simon *(North Dorset)* (Con)
† Kennedy, Seema *(South Ribble)* (Con)
† Lewell-Buck, Mrs Emma *(South Shields)* (Lab)
† McCabe, Steve *(Birmingham, Selly Oak)* (Lab)
† Merriman, Huw *(Bexhill and Battle)* (Con)
† Milling, Amanda *(Cannock Chase)* (Con)
† Siddiq, Tulip *(Hampstead and Kilburn)* (Lab)
† Syms, Mr Robert *(Lord Commissioner of Her Majesty's Treasury)*
† Timpson, Edward *(Minister for Vulnerable Children and Families)*
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)
† Whately, Helen *(Faversham and Mid Kent)* (Con)

Farrah Bhatti, Katy Stout *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 15 December 2016

(Morning)

[Mrs Anne Main *in the Chair*]

Children and Social Work Bill [*Lords*]

Clause 8

Care orders: permanence provisions

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

11.30 am

The Minister for Vulnerable Children and Families (Edward Timpson): It is a pleasure to serve under your chairmanship, Mrs Main. We are all sad that Mr Wilson is not with us today, but we all agree that you are a fantastic and exemplary replacement.

Clause 8 will expand the factors that courts must consider when deciding whether to make a care order in respect of a child, and it will ensure that consideration is given to the impact on a child of any harm they have suffered or may be likely to suffer; the child's current and future needs, including any needs arising from that impact; and the way in which the long-term plan for the upbringing of the child will meet those needs. Those are all key considerations when courts are deciding whether to place a child in authority care and are considering all the permanence options available.

The family is, of course, the most important building block in a child's life—every child deserves a loving, stable family—but it is important that we find children who cannot live with their birth parents permanent new homes without unnecessary delay. It is common knowledge that children who enter care are particularly vulnerable, often having experienced abuse, neglect and disruption—experiences that can have a significant detrimental effect. That means such children have additional needs now and later in life, something I know all too well from my own family.

Research confirms that these children need quality care and stability, in particular, in order to secure their future chances in life. However, there is concern that, at present, those factors are not always at the forefront of decision makers' minds and, consequently, some children may be missing out on placements that would be right for them.

The Department's review of special guardianship orders in December 2015 found that potentially risky placements were being accepted. For example, in some cases special guardianship orders were being awarded with a supervision order because of reservations about the guardian's ability to care for the child in the long term. That was never the intention when the Children Act 1989 was introduced, so clause 8 seeks to ensure that courts also consider the individual needs of the child now and in the long term, particularly in light of any abuse or neglect that they have suffered, and assess how well the proposed placement will meet those needs.

By ensuring that information about children's current and long-term needs is made available when key decisions are taken, we aim to ensure that the best placement option is pursued in every case—in other words, the placement that is most likely to meet a child's needs throughout their childhood. Those working with children in this area support the clause. Andy Elvin, the chief executive of the Adolescent and Children's Trust—TACT—the UK's largest fostering and adoption charity, has said:

> "All of this is eminently sensible. In practical terms it will raise the evidential bar for all care planning.
>
> The biggest impact, rightly, will be on special guardianship order assessments. The logic of this is that these will have to move to be on a par with fostering assessments. The court is being asked to make a decision that will last not only the child's minority, but impact the rest of their life."

Dr Carol Homden, the chief executive of Coram, has said:

> "Recent research shows that many people underestimate the significance of harm that all too many children experience before coming into care. Therefore, we particularly welcome that this Bill calls courts and local authorities to focus on the impact of any harm a child has previously suffered and their life-long future needs when making decisions about their care."

These are clearly important measures that have the strong support of those outside the House.

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to serve under your chairmanship, Mrs Main. The Opposition do not have a problem with the clause. In fact, when I first entered the House three years ago I questioned the Minister on SGOs, so I am pleased that he has now listened. In practice, I would routinely do this in care plans any way, and I think a lot of social workers do. We welcome the clause.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clause 9

Adoption: duty to have regard to relationship with adopters

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

Mrs Lewell-Buck: We believe that clause 9 should be deleted from the Bill, because under its provisions prospective adopters could be prioritised over relatives or other carers. That completely contradicts the Children Act 1989. It could lead to children being prematurely placed with prospective adopters even before the conclusion of court proceedings, in order to build a relationship with prospective adopters that is then used to undermine the child's prospect of going back to his or her birth family, extended family members or friends, who love the child and have been trying to do their best to keep them in their care.

A premature placement with prospective adopters could prejudge the outcome of legal proceedings, causing unnecessary pain and distress to all concerned. It diminishes a child's right to a family life, risks the early separation

of siblings, and inflicts trauma and grief on children and their primary carer, who more often than not is their mother, as well as on other loving family members, especially grandparents.

The clause is a prime example of the Government's obsession with adoption to the detriment of all other forms of care. The time and money that the Department has spent on adoption is staggering, with more than 20 policy changes since 2010. Back in 2012, the former Education Secretary, the right hon. Member for Surrey Heath (Michael Gove), said:

"I firmly believe more children should be taken into care more quickly…I want social workers to be more assertive with dysfunctional parents, courts to be less indulgent of poor parents, and the care system to expand to deal with the consequences."

And Lord Nash said in the other place, in the proceedings on this Bill, that

"the Government are strongly pro-adoption."—[*Official Report, House of Lords,* 14 June 2016; Vol. 773, c. 1114.]

What the Government should be doing is strongly advocating whatever care is right for each and every individual child, and not what they believe is right.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Does the hon. Lady acknowledge that the evidence shows that long-term stability is obviously important, and that part of that includes the option of adopting? It is not just adoption that is being promoted; that is but one string to the bow for the Government's weaponry, if you like, although "weaponry" is the wrong word. Can she not see that adoption is just one part of the Government's approach—albeit an important part—and that evidence also supports this approach?

Mrs Lewell-Buck: I thank the hon. Gentleman for that intervention. However, the clause singles out adoption for special attention; the issue needs to be looked at in the wider context of overall Government policy relating to children in care and plans for permanence.

Steve McCabe (Birmingham, Selly Oak) (Lab): The Government probably have the right intention in trying to put the emphasis on the permanence of arrangements for children, but the point my hon. Friend is making about the singling out of adoption is that adoption has a history, which is also negative.

Anyone who has read the book about Philomena Lee's experience or seen the recent film of it will know how adoption can be misused, and there is a history to adoption in this country that is not always positive. When we consider the issue of adoption, we should always think about the best interests of the child and not risking lapsing back into bad old habits and bad old days, when adoption was misused and abused in this country.

Mrs Lewell-Buck: My hon. Friend is right—adoption should not be the only option for a child. It is lazy to think that. That approach does not take into account all the other options that are there and that are in the best interests of the child.

Simon Hoare (North Dorset) (Con): To the best of my memory, "Philomena" is a film set in the 1950s in the Republic of Ireland, so it has nothing to do with the Government of the United Kingdom. If the hon. Lady is really suggesting that her opposition to the clause should be based on the adoption policies of the Republic in the 1950s, parents interested in adoption may look rather askance at that.

Mrs Lewell-Buck: I think I thank the hon. Gentleman for that intervention. However, I will not dwell on the point, because I think he has missed the context of what we are trying to describe here.

Kate Green (Stretford and Urmston) (Lab): Does my hon. Friend agree that our concerns are based not on the history of adoption in the 1950s but on the discriminatory application of adoption proceedings, which often means that children from poorer families and certain ethnic groups and cultures are more likely to go through the adoption process more speedily? If the clause is not removed, it will make that even more likely.

Mrs Lewell-Buck: If the Department had spent this much energy on social worker recruitment and retention and invested in family support and early-years help, we might not be where we are now, with the highest number of children in care since 1985.

The Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers commented on the Department for Education's adoption policy paper this year. It said:

"We note the Policy Paper does not address how to prevent children entering the care and adoption systems in the first place…We are concerned that despite the intention to 'strengthen families', no more is said on this point and that there is no discussion of support for disadvantaged families despite the worrying increase in the numbers of children subject to care proceedings."

Edward Timpson: Will the hon. Lady accept that the adoption paper is about adoption, and that there is another Government paper—we have referred to it previously in Committee—called "Putting children first", which deals with all children who are going through the care system? It is not unusual for a Government to put forward different policy papers that cover different policy areas.

Mrs Lewell-Buck: I completely agree, but if the Minister lets me continue with my point, he will see where I am going with this.

The professional association continues:

"The scale of reduced spending on early intervention in children's services and the way this leads to greater costs elsewhere is well analysed"

in a number of reports.

"The key point…is that by significantly reducing early preventive work, more public money has to be spent on costly proceedings, foster care, mental health provision, adoption agencies and so forth, which potentially could be avoided by better focused spending at an earlier stage…We strongly warn against an 'evangelical approach' to adoption, whereby it is perceived as a good in itself. This perception is contrary to the majority view of European and western thought and jurisprudence, and it fails to appreciate it represents a serious and draconian step and a measure to be considered only 'when nothing else will do'…We strongly advise against performance indicators that positively promote an increase in adoptions as these inevitably lead to a distortion of professional activity in favour of adoption at the expense of other choices".

Steve McCabe: The Minister pointed out that there has in the past been a misuse of special guardianship orders—they were used in a way that was never intended, and the Government acted to address that. Does my hon. Friend feel that it would further the Government's intentions for the clause if the Minister assured us that he planned to give clear guidance to local authorities stating that the evidence presented to the court on the relationship with the prospective adoptive parents and all other options must be absolutely balanced? In that way, we would not be in danger of thinking that one measure was being inadvertently promoted above another.

The Chair: Order. Before I call the hon. Lady to respond to that remark, may I draw her attention to the fact that this is a very narrowly worded clause about the duty to have regard to the relationship with adopters during the adoption process? I encourage her not to range too freely about why adoption is not necessarily a good thing.

Mrs Lewell-Buck: Thank you for that advice, Mrs Main. I thank my hon. Friend for his intervention. If the Minister can allay my hon. Friend's concerns in his comments, we may not have to press the amendment to a vote.

The professional association states that "further tinkering with" the Children Act 1989

"could be unwise and the thin end of the wedge of social engineering."

More children are adopted in the UK than in any other European country, and 90% of adoptions are without parental consent. One of the major arguments put forward for speeding up adoptions is that it would reduce the number of children in care, but the opposite has been the case. Dr Bilson, emeritus professor of social work at the University of Central Lancashire, has found that adoption policies, rather than reducing the number of children in care, have led to a 65% increase in the number of children being separated from their parents. He feels that that is unlikely to be due to an increase in abuse, because child protection findings of physical and sexual abuse have fallen since 2001, yet child protection plans have increased since 2010.

The majority of such plans are about neglect or emotional abuse, both of which could be better dealt with through family support and responses to poverty and deprivation, which lead to children being over 10 times more likely to be in care or on a child protection plan. Dr Bilson's research shows that over the past five years, the local authorities with the highest adoption rates also have the largest increases in the number of children in care. In those local authorities with the lowest rates of adoption, the number of children in care had fallen. In other words, prioritising adoption results in more children, not fewer, being taken into care.

11.45 am

For some children adoption is the best outcome, but the policy of adoption above all else works on the premise that children will be better off with wealthier parents, rather than on the premise of making all efforts to let them remain with their birth families. Putting the work in to keep children at home is hard social work. It costs time and energy, but in the long run it is worth it if it benefits the child.

Women Against Rape has highlighted that children are increasingly being removed from mothers who are victims of violence. Rather than providing them with the protection, resources and support they need to enable them to rebuild their lives safely, they are accused of failing to protect their children and often end up losing them as a result. Domestic violence is now a more common reason for the state removing children than mental illness or drug and alcohol misuse. Professor June Thoburn said:

"In many other EU countries, it is much easier for families to access support if they need help. Great emphasis is placed on helping families to care for children safely at home and maintaining family links if in care. But in "austerity" England, family support services are closing, thresholds are high, and social work is being defined as a narrow child protection service."

In January, the Council of Europe highlighted the impact of austerity cuts on social services. In particular, it criticised England for its child protection focus and the removal of children who have been subject to domestic abuse, particularly in the context of policies promoting non-consensual adoption.

The Chair: Order. The hon. Lady is ranging widely off clause 9, which is titled "Adoption: duty to have regard to relationship with adopters". I ask her to bring her comments back to that. I have allowed quite a lot of latitude.

Mrs Lewell-Buck: Thank you, Mrs Main. I will of course sum up very quickly.

The damage caused by the adoption targets is not being considered in the Bill, but it must be. Evidence reported just this week by *The Guardian* shows that local authorities are using targets, sometimes combined with financial incentives. It is worth remembering that adoption is far cheaper for councils than foster placements, because once a child is adopted, they are off the council's books for good. Adoption is also cheaper than providing services that might ensure that vulnerable parents can care for their children, but what of the money being saved? What about the lives of those destroyed by the separation?

The Bill is concerned in part with improving the situation of care leavers, which is important, but we make a mistake if we focus on their needs without considering why so many children are being taken into care and what we can do to reduce that. It cannot be right that we are talking about resources for corporate parents while saying nothing about resources for children and families who have been impoverished by austerity policies. The Government need to take a serious look at the patterns and trends in child protection, adoption and fostering, but instead they have continued on this damaging path of pro-adoption, and they are using a small clause in the Bill to strengthen that further. I hope the Minister will explain in his response why, despite evidence to the contrary, they are continuing on that path.

Edward Timpson: I am grateful to the hon. Lady for her contribution to the consideration of the clause. Mindful of the narrow nature of the clause, I say from the outset that the Government have always been clear that the right permanence option— whether that is adoption, special guardianship, kinship care, residential

care or even long-term fostering—will always depend on a child's individual needs and circumstances. As the law clearly states, the child's welfare is the paramount consideration, and that is as it should be. That is why I have to say to her that it is a little depressing to see the same arguments and rhetoric on the Government's plans for children in care, saying that we only have eyes for adoption. That is simply not borne out by the facts.

Mrs Lewell-Buck: Will the Minister give way?

Edward Timpson: Perhaps the hon. Lady will let me explain. This Government introduced the first ever legal definition of long-term fostering; none existed previously. We brought in quality standards on residential care a number of years ago, and 79% of children's care homes are now rated good or outstanding. The hon. Lady has already alluded to the work that we do with care leavers to make sure that during the period when they leave care they have much better support.

What we are trying to do with adoption, however, is tackle two issues, which Tony Blair tried to tackle in the late 1990s and early 2000s—not in the way he did it, which was by setting national targets, but by ensuring that when adoption is right for children they can be adopted and by making sure that when that happens it is without unnecessary delay. I do not think that anyone would argue it is acceptable for children to have to wait an average of 26 months from the time of entering care to move to an adoptive placement.

Those are the issues we have been tackling. What we are doing is not based on an ideological fantasy. We know from the research of Professor Julie Selwyn that adoption has a huge number of benefits for the children it is right for. It has the lowest breakdown rate of any permanent placement—about 3%, with special guardianship orders at about 6%. I have seen from my family the huge benefits that adoption can bring, but I have also seen from my family the huge benefits that long-term fostering can bring. I know from personal experience that each child will need to follow a different path.

What we are doing is not a mission to try to ensure that every child who comes into the care system ends up being adopted; we are trying to stay clearly focused on making sure that, where it is right for a child, that is exactly what happens. In the past couple of years, on the back of the Re B-S judgment, there has been a fall in the number of adoptions, not a rise. That is because we have to face up to the fact that there are still people who believe that adoption is not the right course of action for children. I am saying that we should not stand in the way in cases where it is right for them.

Mrs Lewell-Buck: Would the Minister share something with the Committee, to support his argument? His Department has made 20-plus changes to adoption since 2010; how many changes has he made to other areas of care, and what is the comparative cost? If adoption is not seen as the gold standard, surely other areas of care will have the same number of policy changes and the same spending.

Edward Timpson: I am afraid I disagree with the hon. Lady's premise. It is not the number of things that are done, but whether the things that are done have a discernible impact of the kind that we want, and achieve the outcomes that we want to be able to celebrate. I do not accept that the amount of activity created is directly comparable to commitment or achievement of objectives.

I want to make it clear that local authorities' decisions on the most appropriate permanency option are based on the child's needs. That is what the law says. That is what the Bill does in making sure that those needs are given full and thorough attention when courts consider not just adoption but all permanent options. Clause 9 will ensure that courts and adoption agencies consider the relationship between a child and their prospective adopters when deciding about the adoption of a child in cases where the child is already placed with the prospective adopters.

That is an important point. It is not a matter of children who have no relationship with the prospective adopters, and have not met them or had time to get to know them. It is about those who are already placed, where there is already a relationship. The relationship between a prospective adopter and a child placed with them will clearly be a fundamentally important and relevant consideration when a court considers whether an adoption should be granted, because, ultimately, it is a court's decision, based on the best interest of the child, and with their welfare as the paramount consideration.

In the past two years there have been a small number of cases in which decisions have been taken to remove children from settled adoptive placements in favour of alternative arrangements with relatives who have come forward at a late stage. That may have potentially serious implications for the child, given the disruption to the attachments the child is likely to have already formed with their carers. That needs to be taken into account when making that final decision.

Where the making of an adoption order is being considered, in most cases the child will already have been living with their prospective adopters for between six to 12 months. During that time, the prospective adopters and the child will have established a relationship, and the child may have built a significant attachment to their carers. I have met adopters who have told me just that. The Government believe it is important that that attachment should be considered in the balance when final decisions are made about a child's adoption.

That is not to say that prospective adopters are prioritised over birth parents or other family members in those considerations. The existing legislation already makes it clear that the court is also required to consider the relationship that the child has with their relatives, including their mother and father, and the relationship they have with any other person the court considers relevant, such as close friends or wider family. That express and mandatory requirement is not changing, so there is no hierarchy here—just a fair, balanced consideration of each of the significant relationships a child has, based on their own needs.

I also point out that the court is required to consider the wishes and feelings of family members when making an adoption decision. In addition, the court must consider the value to the child of the continuing relationship with their relatives. That is already clearly set out in the Adoption and Children Act 2002, which was introduced by the last Labour Government, so relationships with the birth family and the child's relatives are therefore central to the court's considerations.

Steve McCabe: The Minister was talking earlier about the drop in the number of adoptions. One of the factors for that may have been that local authority departments misinterpreted the court rulings as advice to slow down the number of adoptions. They are easily influenced by such things. Is it the Minister's intention to offer some guidance to local authorities in the terms he has just stated, so that it is absolutely clear to them what their responsibilities are and what the intentions of clause 9 are, and how that has to be weighed against all of the other considerations he has just referred to?

Edward Timpson: I am happy to look again at what the guidance might say and what might be appropriate to reflect the change in the law in this small area. The primary legislation that is relevant to these cases is clear. I am on the record, not only in this Committee but on previous occasions, making it clear that it has to be a decision based on that child's needs, taking into account all of the usual factors set out in the welfare checklist and so on. I am happy to look at that. On that basis, I hope hon. Members feel reassured, and that the clause can stand part of the Bill.

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

The Committee divided: Ayes 8, Noes 5.

Division No. 8]

AYES

Caulfield, Maria	Syms, Mr Robert
Hoare, Simon	Timpson, Edward
Kennedy, Seema	Tomlinson, Michael
Milling, Amanda	Whately, Helen

NOES

Debbonaire, Thangam	McCabe, Steve
Green, Kate	
Lewell-Buck, Mrs Emma	Siddiq, Tulip

Question accordingly agreed to.

Clause 10 ordered to stand part of the Bill.

Clause 11

POWER TO SECURE PROPER PERFORMANCE

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

The Chair: With this it will be convenient to discuss the Government motion to transfer clause 11.

12 noon

Edward Timpson: Clause 11 seeks to retain the Government's ability to intervene and drive improvement in combined authorities, in the same way that we do now in individual local authorities where children's social care services are failing vulnerable young people. The motion to transfer this clause is a housekeeping part of the Bill and we propose that chapter 2 of part 1 of the Bill be divided into three shorter chapters with this provision appearing in the third. I move that the clause stand part of the Bill.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Ordered,

That clause 11 be transferred to the end of line 12 on page 22.—(*Edward Timpson.*)

This motion would facilitate the division of Chapter 2 of Part 1 into three shorter Chapters, to be entitled "safeguarding of children", "children's social care: different ways of working" and "other provision relating to children". Transferring clause 11 would enable it to appear in the Chapter entitled "other provision relating to children".

Clause 12

CHILD SAFEGUARDING PRACTICE REVIEW PANEL

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

Mrs Lewell-Buck: I hope to get some clarity from the Minister regarding the industry's and the Opposition's concerns about the clause and the introduction of the child safeguarding practice review panel. I will give a more specific analysis when we debate amendments to clause 13, but I will put them into the context of clause 12.

The British Association of Social Workers is worried about the independence of the child safeguarding practice review panel and the possibility that the Secretary of State could use the panel to hammer on local authorities that she would like to take over. There is widespread alarm in the sector that the warnings in the National Audit Office report, which we discussed in Tuesday's sitting, are being ignored by the Department. Within recent weeks we have seen yet another Labour-led council being told to transfer its statutory duties to an independent trust. I hope that when the Minister responds he will point me toward evidence that trusts do better and can achieve what local authorities could not have done without support.

The clauses also allow for the creation of a national child safeguarding review panel that can choose to identify and review complex or nationally important child safeguarding cases and make recommendations. I completely understand the rationale for overhauling the local serious case review process, as there have been widespread inconsistencies in the quality of such reports. However, while local learning can be patchy and distorted by local political and inter-agency dynamics, local-led investigations also keep local agencies engaged and involved and enable local knowledge to inform the process and the recommendations. I hope the Minister will be able to explain how the local aspect will not be lost.

There are a few examples of independent expert boards set up by recent Secretaries of State and the Department for Education. In 2014, they created the innovation fund to promote new practice within children's social care, with a board to oversee operations and to set strategic direction. It appointed three people with financial services and investment banking experience, plus the chief social worker for children, who we know sees herself no longer as the independent voice of the profession, but as a senior civil servant, yet she is the only person on the board with practical experience in children's social care.

When the Government sought to promote and publish more serious case reviews in the same year, we saw yet another expert panel. The four members of the panel

were a journalist, a barrister, an air traffic accident investigator and a former career civil servant who had been the chief executive of the Big Lottery Fund. No one on the panel had any front-line experience in child protection or its direct management. It appears that there is a worrying recurring tendency. I hope the Government will reflect, rethink and build relationships with those who know most about helping children. At the moment, it appears that the DFE sees little value in using the professional experience and expertise of those who work to assist and protect families. Can the Minister shed light on how many former or still registered social workers are in his Department? When the Government appoint experts to oversee and direct children's services, they have consistently considered commercial and financial expertise more relevant than direct experience. That is why there is some wariness about the intention to set up expert panels to advise DFE.

It is also intended that the Department for Education will have control over who can be a social worker, whether they can continue to work, how they are educated and trained and who will provide this education. The current preference is for that to be provided outside universities by Frontline, a fast-track programme that is premised on moving practitioners as quickly as possible from practice into management and threatens the continuation of traditional university courses.

The other big part of the Bill, which was removed in the other place, will create a system of inconsistencies. Rather than innovative, that system might less generously be described as an increasingly threadbare safety net. Control of social work and social workers should be in the hands not of politicians but of the profession itself.

Edward Timpson: Clause 12 requires the Secretary of State to establish a child safeguarding practice review panel. The clause will add new section 16A to the Children Act 2004. The Government first announced their intention to centralise the serious case review process in December 2015. The background to their decision to legislate to introduce such a panel was set out in their response to Alan Wood's review of the role and functions of local safeguarding children boards. I remind the Committee that Alan Wood is a former director of children's services at Hackney. His review demonstrates that the Department is more than willing to ask people from the profession to advise and assist it in its decision making. The panel is being established in response to his recommendation that the Government should

"establish an independent body at national level to oversee a new national learning framework for inquiries into child deaths and cases where children have experienced serious harm."

He suggested that the body that supported a centralised review process should be

"one that is independent of government and the key agencies, and operates in a transparent and objective fashion to ensure learning is the key element of all inquiries."

The Government agree entirely with that recommendation.

I should add that we intend to establish the panel as an expert committee. I expect its chair's appointment to be subject at least to a full, open Cabinet Office public appointments process. I envisage that panel members will come from various backgrounds, including social care, and have the relevant expertise and experience to fulfil the role. I expect the number of panel members to be sufficient to enable the panel's effective operation, and the chair to be able to draw on the expertise that he or she considers necessary for effective decisions and recommendations to be made about cases.

The Secretary of State will be responsible for removing panel members if he or she is satisfied that they are no longer able to fulfil their duties, for example due to a long-term or serious health condition, or if they have behaved in a way that is incompatible with their role, such as by releasing confidential information that is provided to the panel or making use of such information for their own purposes. Those are usual conditions, and while such action is extremely unlikely to occur, it is right to make provision for the removal of panel members should the need arise.

The clause will also allow the Secretary of State to provide whatever assistance is required to enable the panel to carry out its functions, including staff and office facilities. The Secretary of State may pay remuneration or expenses to the chair and members of the panel, and make further arrangements to support the panel's functioning, including, for example, the production of an annual report.

The establishment of a strong national panel is an essential component of the Government's plans to develop better understanding of the factors leading up to serious cases, for the reasons that the hon. Member for South Shields set out, to inform policy and practice nationally, and to support local agencies in improving the quality of the services that they provide to vulnerable children and families. The new panel will be independent of the Government.

The hon. Lady quite rightly raised the need to ensure that local learning is not lost. To some extent, there are clear benefits in ensuring that we have a flexible approach, and I assure her that we will increase local flexibility at the same time as creating a national panel. Centralising review decisions will enable the new panel to identify national trends and issues that may benefit from a single national review. At the same time, the bulk of reviews will be local and will address cases that raise issues of local importance and relate to local safeguarding partnerships; that will increase local flexibility. We anticipate that the number of national reviews will be relatively small and the majority of reviews will take place locally. Most importantly, we must not just look at what happens when things go wrong but understand why and spread that understanding much better. I will go into more detail as we discuss clause 13 on how we will go about achieving that.

On that basis, I ask that the clause stand part of the Bill.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

Clause 13

Functions of the Panel

Mrs Lewell-Buck: I beg to move amendment 36, in clause 13, page 11, line 9, leave out

"unless they consider it inappropriate to do so".

This amendment would ensure that the Practice Review Panel publishes a report on the outcome of any review.

The Chair: With this it will be convenient to discuss amendment 37, in clause 13, page 11, line 11, leave out subsection (5).

This amendment is consequential to amendment 36.

Mrs Lewell-Buck: Amendment 36 would ensure that the new child safeguarding practice review panel publishes a report on the outcomes of a review. The current wording of the Bill allows the panel to pick and choose the cases it deems necessary to review, but does not compel it to publish a report if it does not think it is appropriate.

It is not appropriate for a national board to weigh in on highly sensitive local cases and then refuse to publish its findings. If the new panel goes ahead, preferably with guaranteed independence from the Secretary of State, it must do so as transparently as possible. Child death and serious cases of abuse have to be treated very carefully, especially by a new national panel which will naturally be met with some suspicion by front-line practitioners in particular, who might expect the panel to act as yet another mechanism for publically blaming and shaming them when things go wrong. That is not a baseless fear; social workers have had to learn the hard way, with previous instances of central Government interference in local cases. I am certainly not opposed to rigorous national oversight of serious cases—the more we can review and learn lessons, the better it will be for vulnerable children—but if lessons and improvements are very much the purpose of the exercise, the panel must have a duty to publish its report in every case it takes on.

The Government's reason for creating this new panel is that it will pick up on cases that have wider implications than just those for the local authority, while ensuring that local authorities do not repeat mistakes that might have led to a child death or serious abuse. I want to know how the Minister can ensure that the national or local interest can be served if the reports are kept under lock, in secret.

Subsection (5) of the clause compels the panel to publish any suggested improvements arising from its report, even if it does not think that the publication of the report is appropriate, but that does nothing to solve the problem because improvements suggested out of any context are unaccountable. Who will guarantee that the suggested improvements arise from evidence presented to the panel? Amendments to mitigate the involvement of the Secretary of State in the business of the panel offer some reassurance, but the fact remains that if the mistakes are not published, suggested improvements cannot be properly owned by the managers or front-line practitioners that need to implement them in the local authority in question and nationally.

Under the Bill as it stands, the panel could publish a list of improvements to front-line practice that would leave practitioners open to public blame without recourse to a public document that explains their role. If front-line practice is at fault, that too needs to be made clear. I look forward to the Minister's comments.

Edward Timpson: I am grateful to the hon. Member for South Shields for the amendments and the important issues that she has raised. As I said a few minutes ago, the Wood review into the role and functions of local safeguarding children boards published earlier this year highlighted a number of long-term issues with the current system of serious case reviews, including reviews being of poor quality, taking too long to complete and failing to identify required improvements to front-line practice.

In response, the Bill establishes a new system of national and local child safeguarding practice reviews to help resolve those issues. National reviews will be undertaken by the child safeguarding practice review panel into cases identified as raising issues that are complex or of national importance that it considers it appropriate to review. Commissioning of local reviews will remain with local areas and will be carried out into cases where local safeguarding partners consider that there are issues of importance in relation to the local area and that a review should be carried out.

Amendments 36 and 37 relate to subsections (4) and (5), which set out the requirement on the child safeguarding practice review panel to publish reports unless it considers it inappropriate to do so. If, on rare occasions, it does consider publication inappropriate—for example, where publication might lead to risk or distress for children or adults involved in the case—the panel is required to consider what information it is able to publish about improvements to be made following the review. As in the current serious case review system, reports commissioned by the panel will need to be written from the outset with the presumption that they will be published, and reports should be written in such a way that publication will not be likely to harm the welfare of any children or other individuals involved in the case.

12.15 pm

There is a small hint of irony here. I remember in my early days as a Member of Parliament being asked at the last minute to go on "Newsnight" to press the then Labour Government on why they still held the line of insisting on not fully publishing serious case reviews and asking only that executive summaries be published, as that was deemed to be sufficient. I am pleased that the hon. Lady has moved her party to a more enlightened position. We recognise, as I think she does, that there will be very exceptional circumstances where the publication of the full report may not be in the best interests of the child concerned or siblings and other family members. In those cases, it is important that, against the presumption in every case that it should publish the full report, the panel is able to exercise its professional judgment and discretion not to do so. The panel should also consider information that it is able to publish about implications for future practice.

Steve McCabe *rose—*

Edward Timpson: I knew that the hon. Gentleman would not be able to resist.

Steve McCabe: I just want to ask the Minister about a very simple point. I agree with what he is saying and I remember the occasion to which he referred. Given that part of the purpose of the measure is to improve learning and understanding, in cases where it is deemed inappropriate to publish the full report for the reasons he gave, will academic bodies have access to that information, or will they be excluded from access as well?

Edward Timpson: Will the hon. Gentleman confirm what he means by "information"?

Steve McCabe: When the full report will not be published for the reasons the Minister mentioned, will it be available to academic institutions? Will they be able to make full use of the full report or will they be denied access?

Edward Timpson: The report that will be published will be the redacted report, which will then be publicly available. We want to ensure that as much learning as possible can be extrapolated from that report. That is why we are setting up the What Works centre, which will be a repository for all serious case reviews. Practitioners and academics will be able to use the findings from those reviews to inform their own understanding and practice.

Mrs Lewell-Buck: I will not detain the Committee much longer on this point. I completely understand the Minister's response that it is not always appropriate to publish such reports, but he did not comment on the fact that social workers are very anxious and scared that this might be used as another stick to beat them with. I hope that he will make some comments in the public domain or make some reference to that later in the Committee.

Edward Timpson: I am happy to repeat what I have said before: this is not a blame game. One problem that has arisen is that in the past, a serious case review, which is about learning from things that have gone wrong and having an open and honest discussion about how things can improve—an acceptance of failure—has turned into a finger-pointing exercise. That is not always in every case helpful in really getting to the bottom of what has gone wrong. We are absolutely not trying to turn the clock back to that type of approach. The aim is to have a very clear way to ensure that we learn and change the way in which we deliver practice for children, so that they are protected as much as possible.

Mrs Lewell-Buck: I thank the Minister. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mrs Lewell-Buck: I beg to move amendment 41, in clause 13, page 11, line 30, at end insert—

"(7A) When exercising its functions under this section, the Panel must, in particular, have regard to—

(a) concerns relating to child safeguarding resulting from contact arrangements in families where one of the parents of the child in question has perpetrated domestic abuse, and

(b) the implementation of Practice Direction 12J in child contact arrangements."

This amendment would ensure that the Child Safeguarding Review Panel must have regard to circumstances around child contact arrangements that involve parents who have perpetrated domestic abuse. Practice Direction 12J (Child Arrangements and Contact Orders: Domestic Violence and Harm) aims to ensure that contact ordered with a parent who has perpetrated violence or abuse is safe and in the best interests of the child.

The Chair: With this it will be convenient to discuss amendment 42, in clause 14, page 12, line 13, at end insert—

"(c) the child dies or is seriously harmed by a perpetrator of domestic abuse in circumstances related to child contact."

This amendment would ensure that local authorities in England have a duty to notify the Child Safeguarding Practice Review Panel when a child dies or is seriously harmed by a perpetrator of domestic abuse in circumstances related to child contact.

Mrs Lewell-Buck: Amendments 41 and 42 would strengthen the role of the child safeguarding practice review panel in cases where domestic violence has been a feature. They would ensure that contact was safe for the child, and that in the terrible circumstances where a child dies or is seriously injured by a perpetrator in circumstances related to that contact, the local authority must notify the panel.

Women's Aid's recent "Nineteen Child Homicides" report, launched as part of the "Child First: Safe Child Contact Saves Lives" campaign, revealed the scale of the challenge for child protection in families where one parent is abusive. Child contact arrangements should always be made in the best interests of the child and to protect the safety and wellbeing of the child and the parent with care. However, there are significant concerns that the current system managing child contact decisions is not consistently upholding that principle, resulting in significant child protection concerns within families where there is a perpetrator of domestic abuse. The Bill is a critical opportunity to improve child safeguarding practice and help to prevent avoidable child deaths and harm as a result of unsafe child contact with dangerous perpetrators of domestic abuse.

Existing research provides strong evidence that in making arrangements for child contact where there is a history of domestic violence, the current workings of the family justice system support a pro-contact approach, which can undermine the best interests of the child and the safety and wellbeing of the parent with care. That frequently exposes children and women to further violence, causes them significant harm and prevents recovery. The impact of witnessing previous or continuing domestic abuse is in itself a form of child abuse, but the significance of that is often minimised by the family court system. In my experience, that is most likely because those making the decisions in court have never had to witness at first hand the harm that has been done, as social workers have to day in, day out.

On average, only 1% of applications for contact are refused, even though domestic abuse is identified as an issue in up to 70% of family proceedings cases—those are only the cases where domestic violence is disclosed. In three quarters of cases where courts have ordered contact with an abusive parent, the child suffered further abuse. There is nothing worse than having to visit a child who is crying, visibly shaking and terrified and letting them know that the court has ordered they have to see the very person who caused them that harm. Some children have even been ordered to have contact with a parent who has committed offences against them, and in some tragic cases children have been killed as a result of contact or residence arrangements. There are clearly significant safeguarding concerns resulting from the management of current child contact arrangements, which should be considered in efforts to improve child safeguarding practice.

[Mrs Lewell-Buck]

In January this year, Women's Aid's "Child First: Safe Child Contact Saves Lives" campaign to stop avoidable deaths as a result of unsafe child contact with dangerous perpetrators launched alongside it the "Nineteen Child Homicides" report. The report highlighted 19 cases of children who were killed by perpetrators of domestic abuse in circumstances related to unsafe child contact. Those homicides took place in England and Wales and were outlined in serious case review reports. All the perpetrators were men and fathers to the children they killed. Later on, I will table new clauses to improve statutory support for victims of parental homicide. I hope the Committee will consider those.

The Under-Secretary of State for Justice, the hon. Member for Bracknell (Dr Lee), who is responsible for family justice, said:

"The Women's Aid report makes for harrowing reading. No child should ever die or live in such dreadful circumstances, and it is incumbent on all of us to consider whether more can be done to prevent such tragedies. The report underlines the need to prioritise the child's best interest in child contact cases involving domestic abuse, and to make sure that known risks are properly considered."—[*Official Report*, 15 September 2016; Vol. 614, c. 1116.]

The amendments would do exactly what the Minister's colleague asked for.

Stella Creasy (Walthamstow) (Lab/Co-op): What my hon. Friend talks about is incredibly important. One of the most upsetting cases I ever had to deal with as a Member of Parliament was one where social workers were writing letters in support of a woman's perpetrator staying in the country because they felt it was in the children's best interests to remain in contact with their father. As a result, she was put at direct risk, even though he had directly attacked the children, as well as her. We have to get this right and recognise the danger that perpetrators can present to the entire family. We must see it as being in the best interests of the children to keep the mother alive. The amendments would do exactly that and prevent such a scenario.

Mrs Lewell-Buck: I thank my hon. Friend for that intervention and her support for the amendments. She is exactly right. I know from experience of the family courts that parents' rights can often take precedence over the child's rights, especially in the realms of who has more in the human rights arena.

The Women's Aid report examines circumstances in which abusive fathers had contact with their children and investigates the lessons that can be learned for Government policy. Key findings were that two mothers and 19 children, ranging from one to 14 years old, were killed intentionally. Those fathers also had access to their children through formal or informal child contact arrangements. For 12 of the 19 children killed, contact with their father had been arranged in court in a similar way to that mentioned by my hon. Friend. For six families the contact was arranged in family court hearings, and for one family it was decided as part of a non-molestation order and occupation order. In two families, the father was even granted overnight contact. In an additional two families, a father was granted a residence order, which means that the children were allowed to live with him.

All of those fathers were known perpetrators of domestic abuse. Nine of the 12 perpetrators were known to have committed domestic abuse after separation from the child's mother, including attempted strangulation, sexual assault, harassment, threats, threats to abduct the children and actual abduction. They all indicated high-risk perpetrator behaviour. Of course, I agree that the responsibility for the deaths of those children lies squarely with the person who killed them, but research identifies key lessons for the child protection system in relation to child contact in families where there is one abusive parent.

Tulip Siddiq (Hampstead and Kilburn) (Lab): The shadow Minister is making a passionate speech about an issue close to my heart and, I am sure, to those of many in Parliament. I want to draw her attention to research on the risks to ethnic minority women in particular, and horror stories about refugee children who have seen their mothers abducted by fathers and abandoned in their country of origin without their children. Is she aware of that research?

Mrs Lewell-Buck: I thank my hon. Friend. I am not aware of that research but would like to discuss the matter further with her. It is critical to the Bill that the aim of improving local safeguarding is based on lessons learned from these tragic cases.

We need to understand that domestic abuse is harmful to children, even when they have not been directly physically harmed. There needs to be a culture change within the family court system to ensure that children's experiences of domestic abuse and its impact on them are fully considered and that practice direction 12J, which instructs courts to ensure that where domestic abuse has occurred any child arrangements orders protect the safety and wellbeing of the child and the parent with care, and are always completely in the best interests of the child.

Another concern is the professional understanding of power and control—of the dynamics of domestic abuse. Coercive control was a dominant feature in many of those cases, yet the report found a lack of professional understanding in statutory agencies and family courts about how power and control can manifest in an abusive relationship. The report recommends that the Children and Family Court Advisory and Support Service and child protection agencies and the judiciary should have more specialist training in that area.

There also needs to be an understanding that the point at which a survivor leaves an abusive partner is highly dangerous, yet time and again parental separation is seen by agencies as an end of the abuse and a reduction in the risk, when in fact that is the very time that the risk has intensified. As always in these cases, poor information sharing was identified as a major factor.

We need to support non-abusive parents and challenge abusive parents. In many of the serious case reviews, it was unclear whether the mother had been offered or referred to any specialist support, even when the abuse was known to police and social services. Statutory agencies often put the onus on the non-abusive parent to protect their children and end the relationship, rather than hold the perpetrator accountable. Communication

between family and criminal courts must improve, and there must be the safeguard that no unsupervised contact is granted to a parent who is awaiting trial or involved in ongoing criminal proceedings for domestic abuse-related offences.

I know full well that the Minister understands the importance of the amendments. If he does not support them, I hope he will explain what his Department will do to protect children fully from harmful contact, and how we can guarantee that the child safeguarding practice review panel will know about the serious harm done to children by domestic violence.

12.30 pm

Kate Green: It is a great pleasure to serve on the Committee with you in the Chair, Mrs Main. I want to reinforce what my hon. Friend said and ask a couple of questions.

I hope there has been a shift from the attitudes I have detected in the past few years. The Minister was right to emphasise that the best interests of children are the fundamental guiding principle that underpins the legislation, but in recent years I think the balance has moved to some degree towards a presumption in favour of contact. Indeed, at times that has been almost explicit in some of the language I have heard from some political and other figures. It would be really helpful if the Minister made clear again that the presumption for contact, if it exists, is very much secondary to what is in the best interests of the children.

Contact often is in the best interests of a child, but, as my hon. Friend pointed out, it is difficult to make that assumption when domestic abuse and violence have been present. Domestic abuse and violence cut across all social backgrounds, all economic backgrounds and all cultures and classes; the system needs to be aware of that. It should not be making assumptions that more articulate and authoritative men should in some way have their assertions taken at face value. I sometimes feel we see such examples in our own casework when particularly articulate cases have been made. Again, this is a good opportunity for the Minister to say how he envisages the panel will be able to spread good practice and awareness of such issues in responding to my hon. Friend.

My hon. Friend made a point about training professionals and mentioned in particular those in the family justice and family support system. In fact, a wide range of professionals who come into contact with children need to be alert to the signs of domestic abuse and violence. It would be interesting to hear from the Minister about how the safeguarding panel could help to spread that knowledge and awareness as widely as possible across a whole range of professional disciplines.

As my hon. Friend said, we do see forms of domestic abuse and violence well beyond the physical, such as coercive control and the undermining and humiliating of women in the family, through which a mother's self-confidence and self-esteem can be whittled away. That needs to be recognised when making decisions about the best interests of the care of children and their relationship with both parents. If the Minister feels unable to accept the amendments, I hope he will say how he intends to shift the balance back to where I think we agree it must be, with the best interests of the child paramount in contact decisions. A presumption of contact is not the place to start, least of all when domestic abuse or violence is present or feared.

Edward Timpson: I am grateful to the hon. Member for South Shields for her amendments, which raise important, difficult and sensitive issues. She rightly made some insightful, wide-ranging points. I suspect that my response will not necessarily do justice to them all, but I will do my best.

One thing that the hon. Lady and I have in common is that we both have experience of dealing with these types of cases in the family courts and the children's social care system. We have seen at first hand the extreme pressure on those who take part in those proceedings—particularly those who have been victims of domestic abuse, whether as children or adults.

I have been involved in many contact cases, injunctions, non-molestation orders, occupation orders and finding of fact hearings that have centred around the issue of domestic abuse. One thing that has always struck me is that, in some parts of society, there is the presumption that domestic violence happens only in certain homes, but it can happen anywhere and in any home. That is why, when we did a big national campaign to help people understand what the signs of abuse look like, which we hope to repeat in the new year, we made it clear that domestic violence is not the preserve of some communities; it happens in every community, class and walk of life.

We need to grasp more widely the culture change that the hon. Lady spoke about in relation to the family courts. We can have the best system, regulations and laws in place, but if beneath them there is a reluctance to engage with the reality of domestic violence—both its prevalence and the devastating impact it has on the victims—we are never going to be able to tackle it and prevent it from being a feature of so many people's lives in the future. I fully echo many of the points that the hon. Lady made.

We need to work together collectively, both at a local level and nationally. Like many members of the Committee, I have been involved with my local Women's Aid and other support groups, as well as with men who are victims of domestic violence, to understand the reasons behind it and what we can do, at every point where those people come into contact with the community around them, to support them. As the Minister for Vulnerable Children and Families, I want to ensure that we most protect children. They must never have to suffer the consequences of being involved in such violence or seeing it around them.

Maria Caulfield (Lewes) (Con): The Minister is making some excellent points. Does not the argument of the hon. Member for Stretford and Urmston justify clause 12 and having a national panel? A wide range of professionals, not just those involved in individual cases, need to learn the lessons. The only way to do that is to have a national panel and to feed out the evidence so such cases and domestic violence are taken much more seriously.

Edward Timpson: My hon. Friend makes a good point. She re-emphasises the purpose behind having a more systematic and comprehensive way of pulling

[Edward Timpson]

together that knowledge and understanding for cases involving an issue of national importance and relevance, such as domestic violence. That would give all practitioners, whether they work in social work, the health service, schools or the charitable sector, access to well-researched and practical advice about how they can respond better should they find a child or a family in those circumstances. I do not underestimate the scale of the challenge that we face in ensuring that we are doing all we can across society and across Government to meet the real need that is out there.

These important issues were debated in the House on 15 September in response to the publication of the Women's Aid report entitled "Nineteen Child Homicides", to which the hon. Member for South Shields referred. As the Under-Secretary of State for Justice, my hon. Friend the Member for Bracknell (Dr Lee), made clear then, it is incumbent on all of us to consider whether more can be done to prevent such tragedies.

As the hon. Lady said, the Women's Aid report graphically underlines the need to prioritise the child's best interest in child contact cases involving domestic abuse and to ensure that the risks are properly considered. I am happy to remind the Committee of what I said earlier, which I hope this reassure the hon. Member for Stretford and Urmston: the paramount consideration is always the welfare of the child in any case where they are relevant. That is the key principle that guides the decision making in any judgment made by any court.

My concern about the amendment is that it risks giving the impression that reviews undertaken by the panel could stray into matters that are properly for the independent judiciary. Given previous comments about the need for the panel to be independent, I also think there is a risk of highlighting one particular matter to the exclusion of all others. As I said earlier, the law is clear: the family court's overriding duty is the welfare of the child. Decisions about child contact are made by the court, based on all of the evidence, and with the child's welfare as the court's paramount consideration. It would be constitutionally improper for the panel, as an administrative body, to seek to review such judicial decisions.

Kate Green: I understand the Minister's point about the independence of the judiciary. However, it will be difficult for the reports and reviews conducted to be meaningful if they cannot, in some way, take account of the effect of the decision-making process. How does the Minister see that tension being resolved? Does he envisage that any report by the panel would be unable to say anything about court decisions?

Edward Timpson: If the hon. Lady was to look at any serious case review now, she would see a clear timeline setting out the facts of the case that stated what the decisions were and what lay behind them. It is up to the panel members to call those who have been part of that particular case to come forward with their evidence, in order to inform that report—subject to any medical reason that would preclude them from assisting. The purpose of the clause is to make sure that we get as full and frank disclosure within the report as possible, to inform both the panel's recommendations and the subsequent learning that we want to spread across the system.

The hon. Member for South Shields referred to practice direction 12J, which covers child arrangements and domestic violence and harm. It is judicial guidance to the family court on how to deal with allegations of domestic violence or abuse, and is issued by the president of the family division, with the agreement of Ministers and in accordance with process provided for by the Constitutional Reform Act 2005.

The explicit reference in a statute to such a practice direction, which the amendment would introduce, assumes a specific content for the direction. However, practice directions being made in the way I have outlined are open to amendment, revocation or replacement by further directions, so the hon. Lady's amendment would aim at what is likely to be a moving target. It is worth noting, in this regard, that the president of the family division has already asked a senior High Court judge to review the operation of practice direction 12J in the light of some of the concerns raised by Women's Aid. I am happy to share any further information I can glean from the Ministry of Justice and my colleagues in that Department with the hon. Lady.

Finally, I turn to amendment 42. It seeks to add to the circumstances set out in subsection 1 of clause 14, under which a local authority must make a notification to the child safeguarding practice review panel. As in my response to the previous amendment, I recognise the concerns about domestic violence and the risks that can be posed to both children and adults by potentially unsafe contact arrangements. The hon. Lady is right to highlight the risks to a particularly vulnerable group of children. Great consideration was given to defining the circumstances under which a local authority must notify the panel in order to come up with the criteria as currently set out in the Bill.

Inevitably, any such definitions cannot be exhaustive, include all circumstances or cover all settings in which children might suffer injury or harm. However, the intention has always been that all cases in which a local authority knows or suspects abuse or neglect, including cases in which factors such as those outlined by the hon. Lady are a feature, must be notified to the panel under the general duty to notify cases of death or serious harm.

With that explanation, and following the helpful debate that explored some of the wider issues around the subject—I am sure we will all want to return to that at a later date, if not in the Committee, then in the House—I hope that the hon. Lady will withdraw her amendment.

Mrs Lewell-Buck: I thank the Minister for his response. Like me, because of personal experience he totally understands the complexity of contact between children and parents through the courts. I appreciate that this matter may need discussion with his colleague at the Ministry of Justice. I hope he will commit to that and report back to us.

The reality is that the wrong decisions are being made, and those decisions are costing lives—the lives of children and women. In this place, we should and can always do more. I hope he will give us an update in the

near future on what the Government are doing in this area. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

12.45 pm

Mrs Lewell-Buck: I beg to move amendment 35, in clause 13, page 11, line 31, leave out subsection (8).

This amendment would remove the role of the Secretary of State with regards to giving guidance on serious child safeguarding cases to be reviewed, therefore ensuring the local authority's independence for this process.

We believe it is inappropriate for the Secretary of State to provide any guidance as to which serious cases are to be reviewed by the panel. Policy makers cannot be policy enforcers. There has to be a separation of the two to guard against policy being used to target specific local authorities. The panel will need to tread carefully in order to be seen as a constructive ally and critical friend of children's services, and therefore political neutrality is vital.

It will be impossible for the panel to make a credible claim of political neutrality if the Secretary of State is able to choose which serious cases are subject to review. For the same reasons, the Secretary of State cannot be seen to interfere in reviews that are under way either by deciding whether a review is making adequate progress or by rubber-stamping reports as being of adequate quality. If the Department wanted to consider an annual audit of all reviews to ascertain quality and function, that would be another matter, but on a case-by-case basis this involvement of the Secretary of State cannot reasonably be deemed acceptable, and I hope the Minister agrees that it could well hinder the efficient working of the panel.

Edward Timpson: Once again, I am grateful to the hon. Lady for her amendment, which seeks to remove clause 13(8), which enables the Secretary of State to give guidance to the panel on the circumstances in which it may be appropriate for a national child safeguarding practice review to be undertaken by the panel. I assure hon. Members that any such guidance will not undermine the panel's independence. The Secretary of State will not be able to direct the panel to carry out a review, and the panel will have sole responsibility for deciding which cases it should review, determining whom it appoints to carry out the review and the publication of the final report.

Subsection (8) also states the Secretary of State's ability to set out in guidance matters to be taken into account when considering whether a review is being progressed to a satisfactory timescale and is of satisfactory quality. Earlier, the hon. Lady quite rightly raised, as did I, the two issues of the variable quality of serious case reviews and the length of time many were taking before being published. There are sometimes legitimate reasons for cases not being published in a shorter timescale—for example, because there are ongoing criminal proceedings. However, there are still some unacceptable delays in publication.

We want to ensure the two aspects of the current system that have not been functioning well are kept closely under review, so that we have a better functioning system. As I set out earlier, we are committed to addressing the apparent weaknesses in the current system of serious case reviews, including the poor quality of final reports and the length of time it takes to complete and publish reports. This guidance will help the panel to avoid the deficiencies in the current arrangements, but it will not undermine the panel's decision-making processes.

Stella Creasy: The Minister is talking about the length of time cases can take. Will he say a little more about how he thinks the clause will change that?

Edward Timpson: I am grateful to the hon. Lady for probing that point. The current panel does not have any direct power to force a publication to be completed within a period. So we are left in a situation where there is an attempt to nudge and cajole but ultimately no ability to sanction a specific end date for a report to be published.

There are circumstances in which not months but years go by before we get the learning out of a case. In some local areas, and now at national level, we may need to know much more quickly if we are to make sure that other children will not fall through the net as a consequence of similar basic practice failures that result from not publishing a report that shows where things went wrong.

The new process will permit a closer, robust way of preventing unnecessary delay in publication; clearly, we want the quality of reports to be maintained, but we want them to be produced in a timely way, so that lessons can be learned as soon as possible. I hope that that explanation reassures the Committee about the Government's intentions.

Stella Creasy: Forgive me, but it would be helpful if the Minister would clarify what he means by "closer" and "robust". He has made a powerful case and I think that we would all agree that the length of time taken can be a problem. I am not clear from what he said how he thinks it will be resolved—what the close and robust process will be. How will it be different?

Edward Timpson: First, it will be set out in the guidance that accompanies the Bill, so for the first time there will be a clear mechanism with a trigger for a report to be published by a certain date. That does not currently apply and at the moment there can be a drift, without any way to try to bring the process to an end.

The detail will be in the guidance. I am happy to provide the hon. Lady with a draft as we continue to develop it, but the underlying principle remains the same—to get a way of avoiding unnecessary delay in the publication of reports, so we can get the learning out there into the working environment as soon as possible. On that basis I ask the hon. Member for South Shields to withdraw the amendment.

Mrs Lewell-Buck: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 13 ordered to stand part of the Bill.

Clauses 14 and 15 ordered to stand part of the Bill.

The Chair: Does the Committee wish to continue?

The Lord Commissioner of Her Majesty's Treasury (Mr Robert Syms): Yes.

Clause 16

LOCAL ARRANGEMENTS FOR SAFEGUARDING AND PROMOTING WELFARE OF CHILDREN

Stella Creasy: I beg to move amendment 16, in clause 16, page 13, line 11, at end insert

", including unaccompanied refugee children once placed in the area, and unaccompanied refugee children who have been identified for resettlement in the area."

The Chair: With this it will be convenient to discuss amendment 17, in clause 22, page 17, line 5, at end insert—

"(3) Guidance given by the Secretary of State in connection with functions conferred by section 16E in relation to unaccompanied refugee children must be developed in accordance with the 1989 Convention on the Rights of the Child."

Stella Creasy: It is a pleasure to serve under your chairmanship, Mrs Main. I am delighted that the Government Whip has decided that we should press ahead with clause 16 so early on, because the issue and the amendments deserve a thorough hearing. In the short time before, I suspect, the Minister will want to get his lunch, I want to pose what seems to me a central question.

We must all wonder why two young men—two 14-year-old boys—have this week attempted to kill themselves. They attempted it because of a promise made by this country that is yet to be fulfilled. That is a promise to young, unaccompanied asylum seekers, the child refugees whom we have all seen on our television screens in the past year. Those children are the victims of conflicts not of their own making, but now they are in limbo as a direct consequence of decisions made by the Government.

The amendments are about putting right the anomalies and making sure that we can be proud that when Britain stands up and says we will look after children, we will do it for every child, and treat every child equally. The 14-year-old boys who tried to kill themselves this week are from Afghanistan. They are both young men who have spent months in refugee camps in Europe. They both got on buses to go to child protection centres around Europe on the basis of a promise that we made in this House: we would put in place a process to treat those children fairly, and to treat their application for assistance from the UK fairly. Now, a month on, however, they find themselves with little hope—so little hope that death seemed a better option. The amendments are about how we deal with that.

Forgive me, but I do not know how many Government Members have been involved in child refugee issues, so I will set out how we got to the stage of two young men feeling so much despair that death seemed a better option than the limbo we left them in. I will explain why therefore the amendments have been tabled.

Over the past year, 90,000 child refugees have been estimated to be in Europe. The Dubs amendment, which most Members are familiar with, was about taking only 3,000 of those children here in Britain. To be clear, we are not talking about Britain taking every single child refugee in Europe; we are talking only about doing our fair share, and doing it fairly.

Government Members might be aware of the Dublin children—children who have family here in the UK and therefore simply want to be reunited with someone who can look after them. After fleeing unimaginable horror in their home countries via various smuggling routes, they have ended up in places such as Calais. However, we are talking about the children who have no one. The Dubs children are those who have no one left, whether they are orphaned, or their families are in places to which they cannot return. They have no connection to anywhere else in Europe, and they have no one but us to ask for assistance. That figure of 3,000 was about those children with no one to help them.

Before we go to lunch, let me put it on the record that we have made progress in dealing with the issues over the past year, and the Government should be commended for that. About 750 children have now come to the United Kingdom through the transfer mechanism and following the concerns expressed in all parts of the House. The vast majority of those children, however, are Dublin children, children who legally under international conventions have the right to come here anyway.

The amendments that we will be debating this afternoon are about the Dubs children. Those two young boys who this week tried to kill themselves are Dubs children, children who should have a realistic expectation that we will act in their best interest to protect them. This afternoon's debate is about how we do the best interest test because—I have to tell Conservative MPs this—the Government are moving the goalposts.

On 8 November the Government published guidance that fundamentally undermined the earlier guidance and the commitment made on 1 November by the Minister who is present in the Committee to do what we all think is the right thing: to treat refugee children just as we would any other child—to safeguard them. That safeguarding process must extend to those in Europe whom we have identified as potential Dubs children.

The guidance published on 8 November fundamentally undermines that, because it sets out a restrictive test for the children. What is the test? It is a two-step process. First, the children must be of a particular nationality, either Sudanese or Syrian. Secondly, there is a test of age—they must be under 12, as though when they hit 13 they are suddenly no longer vulnerable. A third test is that they are at risk of sexual exploitation, although how to assess that is not clarified.

Many of the children who have now been left in limbo in France are clearly at risk of exploitation and sexual exploitation through their very vulnerability—because they are on their own and have nowhere else to go. Indeed, a third of those children have now absconded from the centres, because they feel no hope. They are back in makeshift camps in France, waiting to try to get to Britain.

Before the Calais camp was demolished, 40% of the children there were from Eritrea. Most of the children were not from Syria. That is because children are running from conflicts throughout the world. The amendment, therefore, and the issue that we have to deal with in the Bill, are not about Syria; they are about all children in the world who are victims of conflicts. What happens next to them?

The Chair: Order. The hon. Lady needs to stay on the subject of those children who have been identified for resettlement, rather than expanding to include all children around the world, which is outside the scope of the Bill.

Stella Creasy: Thank you, Mrs Main. I am sorry, but there appears to be a question of interpretation, because I was coming on to the amendment, which you can see is about children identified for resettlement and, as we know, those children have come from around the world to end up in Europe. The particular issue is about refugee children in Europe—I simply meant that they have come in and are not European children, but children from Eritrea, Ethiopia, Sudan, Afghanistan or elsewhere around the world who have ended up in Europe. I apologise if that was not clear, but I hope that clarifies why I was talking about children from around the world.

There has been a mistake in some of our debates over the past year that we are talking solely about what is happening in Syria—we are not. The crucial thing about how we treat children is that it is not their nationality that matters, but their vulnerability as children.

I suspect we are about to go to lunch. I do not know for sure, but I am looking at the Government Whip, who looks hungry and seems to be contemplating the issues.

Ordered, That the debate be now adjourned.—*(Mr Syms.)*

1 pm

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

Fourth Sitting

Thursday 15 December 2016

(Afternoon)

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not later than

Monday 19 December 2016

The Committee consisted of the following Members:

Chairs: † Mrs Anne Main, Phil Wilson

† Caulfield, Maria *(Lewes)* (Con)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Fellows, Marion *(Motherwell and Wishaw)* (SNP)
Fernandes, Suella *(Fareham)* (Con)
† Green, Kate *(Stretford and Urmston)* (Lab)
† Hoare, Simon *(North Dorset)* (Con)
† Kennedy, Seema *(South Ribble)* (Con)
† Lewell-Buck, Mrs Emma *(South Shields)* (Lab)
† McCabe, Steve *(Birmingham, Selly Oak)* (Lab)
† Merriman, Huw *(Bexhill and Battle)* (Con)
† Milling, Amanda *(Cannock Chase)* (Con)
† Siddiq, Tulip *(Hampstead and Kilburn)* (Lab)
† Syms, Mr Robert *(Lord Commissioner of Her Majesty's Treasury)*
† Timpson, Edward *(Minister for Vulnerable Children and Families)*
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)
† Whately, Helen *(Faversham and Mid Kent)* (Con)

Farrah Bhatti, *Committee Clerk*

† attended the Committee

Public Bill Committee

Thursday 15 December 2016

(Afternoon)

[Mrs Anne Main *in the Chair*]

Children and Social Work Bill [*Lords*]

Clause 16

Local arrangements for safeguarding and promoting welfare of children

Amendment moved (this day): 16, in clause 16, page 13, line 11, at end insert—

", including unaccompanied refugee children once placed in the area, and unaccompanied refugee children who have been identified for resettlement in the area.".—*(Stella Creasy.)*

2 pm

The Chair: I remind the Committee that with this we are discussing amendment 17, in clause 22, page 17, line 5, at end insert—

"(3) Guidance given by the Secretary of State in connection with functions conferred by section 16E in relation to unaccompanied refugee children must be developed in accordance with the 1989 Convention on the Rights of the Child.".

Stella Creasy (Walthamstow) (Lab/Co-op): I hope that everybody had an excellent lunch and was able to think about the question that I posed before lunch, which is at the heart of the amendments. How did we get to a place where two young men felt there was so little hope in the world that they would rather kill themselves than go on? The two young men are refugees from Afghanistan, who had been escaping the Taliban. Both of them had been victims of gangs, had ended up in Calais and had willingly got on buses to go to child protection centres around France, having been told through a leaflet that they were one step closer to getting to Britain.

The amendments speak to that question and reflect the Government's statement of 1 November, which committed to safeguarding refugee children in Europe—not just those who end up on our shores. Many of us may have dealt with children who have arrived in Britain, perhaps through illegal routes. Today, we are talking about how the safeguarding legislation that the Government will bring in by 1 May will reflect that commitment to safe routes and address legally working with those young people.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Will the hon. Lady give way?

Stella Creasy: I will happily give way, because I was reading over lunch of the support and commitment of the hon. Gentleman when it comes to helping refugees. I am sure he is going to speak in support of the amendment.

Michael Tomlinson: The hon. Lady is wrong: I am not going to support the amendment. She mentioned the ministerial statement of 1 November. Before we adjourned for lunch, she was right to give credit to the Government for the steps that they have already taken. She was right to do that because the Government have taken great steps. Does she not take comfort from that ministerial statement? Does that not cover the points she is seeking to address?

Stella Creasy: I am glad that the hon. Gentleman is here this afternoon because I will explain exactly why I am concerned that the actions of the Home Office directly undermine that statement. Those of us who were involved in drafting the second Dubs amendment to ask the Government to extend safeguarding—as I think the hon. Gentleman is agreeing is the right thing to do for these young people—were very disappointed to see, not seven days later, guidance coming out from the Home Office that we consider directly undermines that commitment. I hope I can explain to the hon. Gentleman why. I hope I can also persuade him that, if—as he has said publicly—the situation in Syria challenges him, those concerns about young people should not be defined by nationality; they should be defined by need.

We are talking about the most vulnerable young people in our world. They have come, whether legally or illegally, to Europe in need of assistance. This is about how we, as Britain, play our part to help and support them. I would suggest to the hon. Gentleman—

Michael Tomlinson: And others.

Stella Creasy: Particularly the hon. Gentleman. I understand and agree with his statement that he was deeply challenged by the situation in Syria.

Michael Tomlinson: The hon. Lady is being very gracious in giving way to me twice in a matter of as many minutes. She will recognise that there is great compassion on both sides of the divide on this very point. She and her party do not hold the preserve of compassion, as she is recognising in her very generous and gracious speech. She can surely recognise the honest and honourable motives on this side of the House as well as on her side when it comes to this issue.

Stella Creasy: Perhaps the hon. Gentleman had left early to get ahead in the lunch queue so he did not hear me saying before lunch that I absolutely commend what has happened so far. The amendments simply reinforce that. I have not yet heard a good argument from the hon. Gentleman—I am hoping to hear one from him—on why he would not want to ensure that we treat all young refugees equally and fairly, which is what the amendment would do. Let me explain why.

I understand that the hon. Gentleman is concerned about the situation in Syria. Let me give him some testimony from a young man from Sudan, who said, when asked why he left Sudan:

"There is war in Sudan. Lots of my family have been killed over the years. My mother was killed when I was a baby. I have been running away from the Sudanese government since I was 7 years old…In Sudan, the government pay people to kill and rape innocent people so that it does not look like they are doing it."

That young man ended up in the Calais refugee camp. There were an estimated 2,000 unaccompanied children in that camp by the end—the kind of children who the Dubs amendment, which had support across the House, was designed to cover. As I said earlier, this is not about Britain taking every single one of those children but about how we do our fair share and ensure that we treat all children equally when we commit to safeguarding them, as the Minister did in his statement on 1 November.

That young man ended up in Calais. He then went to a child refugee centre, on the basis that he was told he would be treated fairly and given the opportunity to come to Britain. He said:

"When I heard Calais will be destroyed, we were told so many different things from the UK and the French government. We were told that all the minors will go to England. But now we are scared we will be refused by the UK. I find this so strange as we are only 1000 minors. This is nothing for a country like England…If the UK government does not hear or understand well we are telling them now: we left our country because we are dying and now once again we are dying as we hope to make it to the UK."

His story is not unique. There are stories of Oromo children from Ethiopia and children from Afghanistan being threatened with persecution. Yes, the situation in Syria is deeply troubling, but children are caught up in conflicts in many areas around the world. Those children are running, and many of them—90,000, as we heard earlier—have ended up in Europe. The question is: what do we do to help? How do we ensure that we treat those children fairly?

Amendments 16 and 17 are important, because last Friday the Government ended the fast-track transfer scheme for the children who were in the Calais "jungle". Although that camp has been destroyed and the children evicted, the issue of what happens to them next has not gone away. Although 750 children have come to the UK, I am sorry to report to the hon. Member for Mid Dorset and North Poole that the majority of them are Dublin children—children who would have had the right to come here anyway.

The thing stopping us from helping those children, who have no one else in the world, is the guidance that says how we decide what is in their best interests. The problem that we have—

The Chair: Order. The hon. Lady is going somewhat beyond the scope of the Bill. Children who have not been identified are not within the scope of the Bill.

Stella Creasy: It would really help me if the Chair clarified where she thinks I have talked about children who have not been identified. I have just said specifically that we are talking about children who have been identified under section 67 of the Immigration Act 2016—children in the centres in France who are being assessed precisely for that purpose, which the guidance covers and the amendment deals with.

The Chair: The guidance that has been developed is not within the scope of the Bill.

Stella Creasy: The guidance that has been developed certainly speaks to section 67 of the Immigration Act 2016 for the children in Calais. Those are exactly the children identified in the safeguarding statement on 1 November and in the amendment, which deals with children who have been identified for resettlement. Those are exactly the children we are talking about. I hope that clarifies for the Chair why I have been talking about that particular group and that guidance.

The Chair: As long as the hon. Lady focuses on the safeguarding of children within the area, that is fine.

Stella Creasy: To clarify, I am talking about amendments that deal specifically with children who are identified for resettlement. Those children are not necessarily in the UK, but they are within the scope of the Bill. Obviously, the Lords amendment was identified as being within the scope of the Bill. That was specifically about section 67 of the Immigration Act 2016. I just want to be reassured that—

The Chair: May I ask the hon. Lady to pause for a moment? The Lords have different rules governing the scope of Bills. The Bill is in this House, so as long as she is talking about those children who are identified for resettlement within the area—

Stella Creasy: Yes. I appreciate that we cannot have pieces of paper, but it might be useful for the Chair to look at the eligibility criteria, which explicitly say:

"General criteria for eligibility under section 67 of the Immigration Act 2016 for children in Calais".

I am sure that the Minister would like to confirm that his 1 November statement was explicitly about children who had been identified for resettlement, and that includes these children. That is exactly why I am concerned about those criteria; I believe they actually undermine the commitment to safeguarding that the Minister made on 1 November and is the subject of the Bill. I do not know whether the Minister would like to clarify that so the Chair is satisfied. We are talking about children who have been identified in France. I will happily give way to him, because the Chair seems concerned about this matter—*[Interruption.]* I will take that as assent.

The Minister for Vulnerable Children and Families (Edward Timpson): No, it is not. I have not said anything—

The Chair: Order. This is a slightly combative approach. The hon. Lady has done this a lot. May I gently remind her that the Minister did not wish to take her up on that invitation? It is not for her to interpret the Minister's response.

Stella Creasy: Thank you. I apologise if you think I am being combative, Mrs Main. I am a little confused as to why there is a concern, given that we are talking explicitly about legislation and guidance that refers directly to that legislation. I want to ensure that everyone is clear. Obviously, if the amendments had been ruled out of order, we would not be debating them. I am concerned that there is confusion about what children we are referring to. This guidance is specifically about those young children.

The Chair: The amendments are totally within order; we would not be debating them if they were not. Some of the hon. Lady's comments, however, seem to be straying without the scope of the Bill. I am taking guidance on this matter. It is important that we get the

[The Chair]

Bill right, including the amendments. I wish her to keep her remarks, which are very important to this debate, on track.

Stella Creasy: Thank you. That is very helpful. I wonder whether it is also helpful for me to clarify that in the Minister's statement on 1 November, he makes explicit reference to evaluating procedures for transferring children who would be eligible for safeguarding. He also talks explicitly about children identified for resettlement, which is reflected in the amendment. I hoped the Minister would clarify that, but perhaps that helps. People may wish to google the statement made on 1 November. I am concerned because the eligibility criteria appear to undermine the will and intent set out in that statement. I am also concerned about the reason why the second Dubs amendment, which we might have been debating today, was withdrawn from this legislation.

The statement was set out for France. We are concerned that a further statement may be put out for Greece and Italy, where there are also children. I can report to the Committee that there have been no Dubs transfers, as yet, of children from Greece and Italy, although hundreds of children have been identified as potentially eligible for that. The two-step process for France sets out a series of tests around nationality, age and high risk of sexual exploitation. It then sets a secondary test about the best interests of the children. The amendments would flip that test around, to recognise that we should always act in the best interests of all children for whom we take responsibility. There is a challenge, given the Government's clear statement that they would take responsibility for these children.

We may well have safeguarding duties for the third of children whom the Refugee Youth Service were tracking from these centres in France who have now gone missing. As yet, we have not taken on those duties. For example, one of the groups of children excluded by the current criteria are Eritrean children. Some 87% of appeals for refugee status by Eritrean people are successful, so it is well recognised that there is a high level of persecution within Eritrea. However, as the guidance stands, those children would not be considered for transfer to the UK under the Dubs amendment. These are children who have nobody else in the world, who are fleeing persecution and whom we have said we would identify and consider for resettlement, but we are judging them on the basis of their nationality, not their need.

The concern for all of us is that there are many of these children in Greece and Italy. The Government have not yet published guidance for Greece and Italy, but if we are to be consistent in how we treat children, it is important we are consistent in putting their best interests first. That is the intention behind the amendments, and it is surely not controversial across the House.

Amendment 16 would specifically identify the children we, as a country, are assessing for assistance under the Dubs provision, which got support from across the House. Amendment 17 states that we should apply the UN convention on the rights of the child to that process. The UN convention is incredibly clear that we should not discriminate against a child on the basis of their nationality, religion or age. The eligibility criteria therefore conflict with the UN convention.

The Government said they would have regard to the UN convention in future legislation. Indeed, the European Court of Human Rights has said that the Government should place in this Bill a duty on all public authorities to have regard to the convention on the rights of the child. The amendments simply seek to ensure we act in accordance with best practice in how we treat all children.

I hope that when Government Members look at the amendments in that context—we are saying, "Actually, we shouldn't discriminate among the children we have agreed we have a safeguarding responsibility for. We should treat them all in terms of their best interest"—they will see that they are needed because the guidance that has been issued could undermine that. That could leave this country open to legal challenge, and it could mean that we are creating a second-class group of looked-after children—i.e. refugee children—because we are treating them differently within our system.

2.15 pm

I hope that the Minister will rethink his opposition to the amendments—I admit I am pre-empting his opinion; I am basing that on the comments of the hon. Member for North Dorset. I hope the Minister will understand why we have raised that concern. It is important that we are consistent in how we do safeguarding as a country. When we identify children who are at risk and need to be safeguarded, we should treat them in the same way as we treat all children.

If Government Members vote against the amendments, they are essentially saying that they do not think that the UN convention on the rights of the child should be part of our safeguarding process. The way the amendments are worded ensures that that framework underpins how we treat all safeguarding in this country, whether it is done in this country or on behalf of this country for children who will come here. I hope that Government Members reflect on that and do not vote against making the UN convention on the rights of the child the framework by which to judge what is in the best interests of children, rather than their nationality or age. That is how we ended up with two children in France right now thinking that life is not worth living. We as a country made a promise to treat them fairly and equally. The UN convention on the rights of the child is the best framework for ensuring that we act in accordance with our obligations.

That is the spirit of the Kindertransport. When we look at the contribution that Lord Dubs—a Kindertransport child—has made to our country and the work he has done not just on this issue but throughout the House, we can really see what is at stake here. There has always been widespread support across the country for taking refugees. Whether in St Albans, Poole, Crewe or my own community in Walthamstow, there have always been people who have stood up and said, "Britain is better when we recognise what is at stake here." A great inventor of the next energy source or the cure for cancer could right now be a child fleeing persecution. We as a country are better when we treat those children as we treat our own—*[Interruption.]* I am sad to hear the hon. Member for Lewes suggest from a sedentary position that that is outrageous.

Maria Caulfield (Lewes) (Con): I absolutely disagree with the hon. Lady. A huge amount of cross-party work has been done to ensure that child refugees—not just

from Calais, but from places across the world, including Syria—can come to the UK. I have been working with my local refugee group, the Lewes Group in Support of Refugees and Asylum Seekers, to welcome refugees, to ensure that the process happens quickly and to support our local authority. It is absolutely outrageous to make such statements.

The Chair: Before the hon. Member for Walthamstow resumes her remarks—it sounds like she may be coming to a close—let me say that we are not having a general debate about refugees. I ask that she goes back to talking about her amendment and any other questions she would like the Minister to answer.

Stella Creasy: I am genuinely sorry that the hon. Lady thinks it is outrageous to suggest that we need to get this right and see the potential of those children—*[Interruption.]* I genuinely have not accused her. I am asking whether she wants the UN convention on the rights of the child to be the framework by which safeguarding is undertaken in this country for all children, including those who are at the moment in France, Greece or Italy and have been identified as possible candidates for the Dubs amendment. She is right that there was cross-party agreement. I am surprised that there is not cross-party agreement on this, frankly. The statement on 8 November seemed to go against that.

I am sorry that it seems to be controversial to want the UN convention on the rights of the child to be the framework by which we treat safeguarding. The Minister said on Second Reading that he would go away and look at the guidance to see whether it stood against his statement on safeguarding. I hope he will explain why the Home Office issued guidance that appears to undermine the Government's safeguarding commitment. If he does not support these amendments, how is he going to guarantee that every child that the UK considers for safeguarding is treated equally? What else, if not the UN convention on the rights of the child, should guide us? I will happily finish now to hear what the Minister has to say. I hope that Government Members will understand that this is about our passion to get this right; it is not a party political point.

Tulip Siddiq (Hampstead and Kilburn) (Lab): I support the amendment and want to make a plea to Conservative Members to support it. It is important for the values that we uphold in the House. I thank my hon. Friend the Member for Walthamstow for making such a passionate plea, and eloquently describing the plight of children who flee from violent homes to a land where they hope for a safe, secure home, and then find that they are no closer to home.

I have three questions for the Minister. Is he aware that the children who come to the camps are now at a 46% higher risk of being smuggled and of sexual exploitation than they were last year? Is he aware that the British Association of Social Workers has pointed out an inbuilt 50% shortfall in current funding on full cost recovery for services to unaccompanied asylum-seeking children—the children to whom the amendment relates?

Finally, the British Association of Social Workers also has concerns in relation to the Government's support for the original Dubs amendment, which has been mentioned many times: only a tiny proportion of the children in mainland Europe have arrived in the UK.

I make a plea to Conservative Members: if we are honest about what we want to achieve in the House and we want to protect the most vulnerable, we must make sure we provide support for them. Of course we want to provide support for all children, but those to whom the amendment relates are at the bottom of the ranks.

I ask the Government and Conservative Members to show their support. The point is not a party political one; it is about what we uphold in the House, in an era when the children in question are demonised in the press, when we talk about checking their teeth to find out how old they really are, and there is open hostility to them. It is our duty to support an amendment that will give them some comfort and show that someone in the world is looking out for them.

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to support the amendment. Amendments 16 and 17 will ensure that safeguarding partners safeguard and promote the welfare of unaccompanied refugee children, and that any guidance given by the Secretary of State must be developed in accordance with the United Nations convention on the rights of the child. They will help to protect the rights of some of the most vulnerable and unprotected children.

Every child, whatever their circumstances and background, deserves the support that they need to get a good start in life, and to succeed in their education and in life. I am sure that the Minister agrees, in view of the corporate parenting principles in the Bill. However, we have too often failed in that obligation to unaccompanied refugee children, as my hon. Friend the Member for Walthamstow outlined.

Unaccompanied refugee children are perhaps the most vulnerable young people in society. They have fled humanitarian disasters, wars, and horrors that none of us could begin to imagine. If they arrive in this country we have a moral duty to ensure that they receive the support they need; otherwise there is a risk that they will fall through the cracks and face a danger of being exploited. They have fled from terrible things and we must do all that we can to ensure that they get a better life here. That is no less than any of us would want for a child of our own. By ensuring that safeguarding partners have regard to unaccompanied refugee children, amendment 16 will go some way to ensuring that we rise to our moral duty. I am honoured to support my hon. Friend the Member for Walthamstow.

I hope that the Minister and his colleagues will lend their support to amendment 17. After all, I cannot imagine that they would object to any of the rights set out in the convention on the rights of the child. If they will not support the amendment, perhaps they will explain which of those rights they believe should not be extended to every child in the country.

I gently remind the Minister that the UN Committee on the Rights of the Child published its findings on the Government's compliance this year, and they are failing in many areas. Accepting the amendments would go some way towards repairing that terrible record.

Edward Timpson: I am grateful to hon. Members for the amendments, which I recognise seek to ensure the best interests of this very vulnerable group of children, and I assure the Committee that I appreciate the good will and passion that sits behind them.

[Edward Timpson]

I turn first to amendment 16. Under section 16E of the Children Act 2004, which will be inserted by clause 16, safeguarding partners will be required to make arrangements for themselves and any relevant agencies that they consider appropriate to work together for the purpose of safeguarding and promoting the welfare of all children in the local area. I assure hon. Members that, when making those arrangements, safeguarding partners will be required to take account of the needs of unaccompanied refugee children. That will be the case even in areas where the numbers of such children are small.

In addition, we have also announced our plans to publish a safeguarding strategy for that particular group of children by 1 May 2017, as called for by Lord Dubs in the other place. The Government strategy will seek to ensure the utmost protection for unaccompanied, asylum-seeking and refugee children in this country, as well as those who are being transferred here from Europe, whether they are reunited with family members or become looked after by a local authority.

As part of the strategy, we will set out plans to increase foster care capacity for those looked after children, and will consider what further action can be taken to prevent them from going missing. We will also review what information is communicated to those children about their rights and entitlements; revise statutory guidance for local authorities on how to support and care for them; and regularly review the level of funding provided to local authorities for the care and support of unaccompanied asylum-seeking children. As this point was raised earlier in the debate, let me say that local authorities were asked to submit their costs of caring for that group. Current funding is higher than 50% of local authorities' costs, and we will keep that under review to ensure that their needs are being met. Those commitments are already being progressed in consultation with others, including local authorities and non-governmental organisations.

The safeguarding responsibility for those children who have been identified for transfer but are yet to arrive lies with the member state where the children currently reside, not the local authority in which they will ultimately reside. We have supported the French in their efforts to move all children from the Calais camp to safe alternative accommodation across France. While they remain in France, their welfare and safety is a matter for the French authorities.

Since the Home Secretary's statement to Parliament in October, when the French operation to clear the Calais camp started, teams of specialist staff have been working in France, in close liaison with the French authorities, to ensure that children eligible to come to the UK continue to be transferred as quickly as possible. We continue to work in partnership with the French authorities to transfer children to the UK with close family here—who qualify under the Dublin regulation—and those children who meet the criteria of section 67 of the Immigration Act 2016. To date, around 200 children have been brought to this country under such arrangements. I can tell the hon. Member for Walthamstow that more eligible children will be transferred from Europe, in line with the terms of the Immigration Act, and we will continue to meet our obligations under Dublin II. We will announce the number of children to be transferred to the UK under the terms of the Immigration Act in due course.

I think it is worth making it explicit to the Committee that the guidance of 8 November applies only to the Calais operation, which is now complete, but that the Dubs process has not ended. More eligible children will be transferred, and I know the Home Office will make a further announcement on how that process will take place. I will undertake to make sure that all of the points raised by the hon. Member for Walthamstow in this debate and on Second Reading are made clear to the Home Office and the Ministers there, so that they are fully aware of those issues as they develop the next iteration of that process. The hon. Lady has undertaken stoic work in trying to make sure that all of those points are understood.

On amendment 17, the Government are committed to children's rights, and we are determined to safeguard and promote the welfare of all children—including unaccompanied refugee children. We are equally committed to giving due consideration to the United Nations convention on the rights of the child when making new policies and legislation, and when developing guidance for local agencies. In fact, another written ministerial statement that I laid before Parliament—I have had a habit of creating them in recent weeks—set out our commitment to do so right across Government, making sure that every Department is playing its part. I know that the permanent secretary in my Department is speaking with his counterparts in every other Department to ensure that that is followed through within the civil service.

One of the commitments in our safeguarding strategy will be to publish a revised version of the statutory guidance for local authorities on the care of unaccompanied and trafficked children. The guidance we have is good, but it needs updating to reflect the new circumstances that we find ourselves in as well as the diverse nature of the group of children that we are talking about to ensure that local authorities are aware of the duties they must undertake to support and promote the best interests of these children.

2.30 pm

The focus of the amendment is confined to unaccompanied refugee children, but in fact in this country we make no distinction between their rights and the rights of all children. Our statutory guidance, "Working together to safeguard children," was developed in the light of the UNCRC articles and applies to all children whatever their status. It also applies to all those who work with children, not just the safeguarding partners and relevant agencies referred to in proposed new section 16F. We will revise "Working together" next year to reflect the changes brought about by the Bill.

Simon Hoare (North Dorset) (Con): Does my hon. Friend not think that, notwithstanding what the hon. Member for Walthamstow said, it is better for the rules, regulations and requirements to be effectively "colour blind" rather than to segregate and segment our children on where they have come from and their circumstances? That, rather than segmentation and being siloed, is much more likely to lead to a comprehensive and cohesive approach.

Edward Timpson: I am grateful to my hon. Friend for his support for the approach we have taken. There is some commonality that goes back to the heart of many of the debates we have had during the passage of the Bill. Irrespective of which side of the House we are on, there is a clear desire to see a system—whether a safeguarding system or a health system—based on need. If we can get that right and not try to differentiate on children or children's rights but work to strengthen those rights further and reflect them through the UNCRC, we should do that to underpin those principles in the work we carry out.

I am happy to reiterate the commitment that Lord Nash made in the other place: we will ensure that the review of "Working together" looks again at the underpinning principles and how they can be further strengthened to reflect children's rights as reflected in the UNCRC. We believe that the forthcoming safeguarding strategy for unaccompanied and refugee children and the robust safeguarding arrangements proposed in the Bill for all children are the best approach to safeguarding and promoting the welfare of these vulnerable children.

These are difficult issues, and everyone is working hard to try to do the best that they can for these children, who are extremely exposed and vulnerable. There are often heartbreaking situations that we wish we could do all we were able to do to prevent, but we think we have a good, strong system in place, and we will keep that under close review. The hon. Lady has heard from me today that the Home Office is considering how we move on to the next stage, post-Calais, to ensure that we capture the children who have a genuine refugee status recognised through the international convention, concentrating our efforts on helping them to seek refuge in the UK.

Stella Creasy: I agree with the Minister; I think there is common ground. However, the case he is making is for the guidance that the Home Office has issued to date not to be compatible with the principles he is setting out. Does he think it is right to put nationality or age ahead of need, as that guidance does? If he does not, we need to understand what he will do to protect children in Europe who we have identified for resettlement from such discrimination in future.

Edward Timpson: I would say two things. On a factual point, the guidance that has been the subject of discussion is, as I said, in relation to Calais only. Therefore, as regards where we go on the further decisions to be made for children who have come to the UK under refugee status, it is no longer valid. There is however still a point at which the current guidance is relevant, which is in how it is constructed. We can only base decisions on which children to bring over if they meet the definition of a refugee set out by the 1951 refugee convention. We cannot bring over children who do not have that status because they will not qualify for local authority support or accommodation. They must have a realistic prospect of meeting that definition.

Our criteria are intended to ensure that we focus on the most vulnerable, by virtue of age or because they are assessed as at high risk of sexual exploitation, and the youngest of the children most likely to qualify for refugee status. We are considering those nationalities with an initial asylum grant rate of 75% or higher in the year ending June 2016. We have said we will focus on those nationalities most likely to qualify for refugee status in the UK.

If they do not have refugee status, they will not be able to come to the UK and receive the support that we all want to give them. That criterion is not in conflict with the best-interest criterion. The criterion is designed to identify refugee children and bring them here where it is in their best interest.

It is not in their best interest to come to the UK if there is no local authority place or if they are returned at 18 as they do not meet the criteria to be a refugee. We have to set some criteria that reflect that situation, which is actually defined by international law, and we believe we have that balance right.

Stella Creasy: The guidance is explicit about a first preliminary stage that excludes on the basis of nationality, ahead of the best-interest assessment. That is not what the Minister is saying, but the guidance is explicit. That is why Eritrean children, for whom 87% of appeals for refugee status are successful, are explicitly cut out by this guidance. Does the Minister believe that that accords with the conventions that he wants to apply to safeguarding? It is a two-step process and the first step excludes children who would qualify under the second step.

Edward Timpson: I did fear at the beginning of this debate that, although we would have some agreement, there would ultimately be disagreement because the Government's position is clearly set out in the guidance and the safeguarding strategy. Focusing on those most likely to qualify for refugee status is not just the UK's approach. It reflects the approach taken across Europe, for example, under the EU's relocation programme to transfer asylum seekers from Greece and Italy to other European countries. It is right to give priority to those likely to qualify for refugee status, as well as the most vulnerable, regardless of their nationality.

The hon. Lady mentioned Eritrea. Without straying too far from the clause and the amendment, we look across the world and see all sorts of war-torn areas and countries going through instability and devastation and we need to ensure that we do what we can to respond. However, we have to look at those countries with a greater likelihood of eligibility for refugee status. The truth is that Sudanese and Syrian refugees are more likely to be eligible than those from other countries. We must have a system in place to provide identification to ensure that we have refugee status clearly defined. We will have a greater prospect of ensuring that they meet the criteria and, therefore, that we will be able to help them in this country.

As I said, we have moved on from the Calais operation. We still have our commitments under the Dubs amendment and we will continue to work hard to identify those children who are the most vulnerable and who also qualify under the internationally recognised definition of a refugee. I know that it is hard; these are not easy decisions. We must do all we can to bring about the best possible outcome for those children but we must also be realistic about how we define that in a way that makes it practically possible for us to help them and ensure they do not fall foul of the law and end up not getting the support that they need. On that basis, I hope hon. Members are sufficiently reassured to withdraw the amendment.

Stella Creasy: I thank the Minister for his comments but he is on, if he is honest, what he might call a sticky wicket. He might have moved on from Calais but those kids have not. There are 1,000 children in centres around France who got on buses from Calais on the promise that they would be treated fairly by the British authorities, and that when they were assessed by the Home Office to be identified for resettlement in the UK they would be treated fairly. The Minister has just had to justify a system that is not fair, that sees not the child's needs but their nationality, that discriminates against a group with a high prospect of refugee status—Eritrean children—and that leads to 14-year-old Afghan boys thinking their only hope is to kill themselves or to get here illegally, on the back of a lorry. We are back to square one with this guidance.

I sense in what the Minister said that we might see different guidance for Italy and Greece. I very much hope so, but words mean nothing if they are not backed up by actions. I will press the amendment to a vote, because I want to see Government Members voting against putting the UN convention on the rights of the child at the heart of our safeguarding process; I want to see that commitment. The hon. Member for Lewes shakes her head. Perhaps she needs to explain to people why she does not think young Eritrean people are worthy of that kind of protection. The problem with what the Minister says is that there are 1,000 children facing a very uncertain future in France right now, and we have a responsibility. We made that commitment to them.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 9]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Hoare, Simon	Syms, Mr Robert
Kennedy, Seema	Timpson, Edward
Merriman, Huw	Tomlinson, Michael

Question accordingly negatived.

Steve McCabe (Birmingham, Selly Oak) (Lab): On a point of order, Mrs Main. I want to raise very briefly one additional point about clause 16 that is not related to child refugees.

The Chair: We are about to consider it. The hon. Gentleman may make his remarks in the clause stand part debate.

Mr Robert Syms (Poole) (Con): We want to hear them.

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

Steve McCabe: It is always great when someone clarifies the situation. I am grateful, Mrs Main.

I notice that clause 16 specifies the partners for the local safeguarding arrangements as being the local authority, the police and the clinical commissioning group. Will the Minister briefly say why the clause limits it to those partners? Did he consider a role for education? If so, why did he decide not to pursue that? I realise that the partners are entitled to bring in other people they regard as appropriate, but I wonder what the reasoning is for limiting the specified partners to the local authority, the police and the clinical commissioning group.

Edward Timpson: I am happy to clarify that. The hon. Gentleman is right to say that the list is not limited to those three core members, as the legislation allows for other agencies to be involved in those arrangements.

As I said earlier, we asked Alan Wood to do an independent review of local safeguarding arrangements, and his recommendation was that three core agencies—the police, the local authority and the clinical commissioning group, on behalf of the health service—needed to be at the centre of that body and that decision-making process, as they envelope a large proportion of the contact children have with safeguarding services.

The hon. Gentleman is right to say that the education arena has clear reasons to be involved in those arrangements. I would be surprised if it was not, bearing in mind the role it has through "Keeping children safe in education" guidance and needing to have a safeguarding officer within schools. The education arena needs to be involved and subsumed into wider safeguarding discussions, to ensure the overall strategy is effective. However, the main reason for giving those three core agencies statutory responsibility for safeguarding in their local area is that we accepted the recommendation and rationale from Alan Wood.

Question put and agreed to.

Clause 16 accordingly ordered to stand part of the Bill.

Clause 17

Local child safeguarding practice reviews

2.45 pm

Mrs Lewell-Buck: I beg to move amendment 40, in clause 17, page 14, line 12, leave out subsection (6).

This amendment would remove the role of the Secretary of State in determining certain arrangements for the working practices of safeguarding partners, ensuring that they remain locally accountable.

The spirit of the amendment is much the same as that of previous amendments concerning the child safeguarding practice review panel. It relates to unacceptable levels of involvement by the Secretary of State, this time in local child safeguarding reviews. Improvements in local safeguarding reviews are much needed.

There is huge variability in the quality and usefulness of serious case reviews, and there are questions about the suitability of board members and their closeness to those who might have a role in a serious case being scrutinised. However, the fact remains that a top-down approach whereby the Secretary of State advises each local authority—familiarity with which he or she cannot possibly be expected to have—about the criteria being taken into account, the choice of reviewers and, in particular, the content of the review cannot be either wise or a productive use of the DFE's time or the local board's time.

If serious case reviews are to have the desired effect of improving practice and procedure in response to tragedies, it is crucial that the review be locally accountable and locally owned. The purpose should be for those involved to reflect on possible mistakes and propose ways in which they can improve. Will the Minister explain why the Government feel there is a need for the Secretary of State to have such heavy involvement in these issues?

Edward Timpson: Once again, I am grateful to the hon. Lady for the amendment. Clause 17 sets out the requirement on safeguarding partners for a local authority area to identify and, where appropriate, carry out local child safeguarding practice reviews. Subsection (6) of proposed section 16F of the Children Act 2004, inserted by clause 17, sets out a list of provisions on which the Secretary of State may make regulations in order to assist local safeguarding partners to identify appropriate cases and carry out reviews where they consider appropriate, as set out in subsection (1).

It is important that the Secretary of State has the power to make regulations to help safeguarding partners in the process of local reviews. Subsection (6)(a) will enable the setting of criteria to be taken into account by the safeguarding partners in determining which cases raise issues of importance in relation to the area. That will not remove or reduce the local accountability of the safeguarding partners to make decisions. It will promote a more even and balanced consideration of the issues across the country, so that we get consistency.

The safeguarding partners will be responsible for appointing the reviewer for each review they commission. They will also be responsible for removing the reviewer if need be. Subsection (6)(b) will enable the regulations to provide for reviewers to be appointed from a list provided by the Secretary of State.

Mrs Lewell-Buck: Can the Secretary of State then override the local decisions?

Edward Timpson: No.

If such a list was provided, safeguarding partners would still be accountable for decisions taken on whom to appoint, taking into account the experience of the reviewer concerned and their independence from the local area, among other factors. The aim of a list will be to improve the overall quality of reviews, given that many have acknowledged that as being deficient in the current serious case review system, as have Members on both sides of the Committee today.

Subsection (6)(c) allows for regulations to specify when a report should be provided to the Secretary of State or the child safeguarding practice review panel and published. In receiving copies of all local reviews, the panel would be in an ideal position to review both the quality and timeliness of reports and the learning that emerges from them. Regulations would enable timescales to be set for that process.

Subsection (6)(d) refers to the procedure for a review, which may include the establishment of terms of reference. Finally, subsection (6)(e) allows regulations to make provision about the form and content of the reports. It should be noted that such provisions would not be unduly prescriptive as they would be entirely about promoting the overall quality of reviews.

I want to reassure hon. Members that, in making regulations, we will consult on their content widely before bringing them before Parliament, which will give the hon. Lady an opportunity to scrutinise them in more detail. Indeed, we have already begun to talk to a range of interested parties about some of these important issues. I hope that, with those clarifications, the hon. Lady feels able to withdraw her amendment.

Mrs Lewell-Buck: I do feel able, thank you, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 17 ordered to stand part of the Bill.

Clauses 18 to 21 ordered to stand part of the Bill.

Clause 22

GUIDANCE BY SECRETARY OF STATE

Amendment proposed: 17, in clause 22, page 17, line 5, at end insert—

"(3) Guidance given by the Secretary of State in connection with functions conferred by section 16E in relation to unaccompanied refugee children must be developed in accordance with the 1989 Convention on the Rights of the Child."—*(Stella Creasy.)*

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 10]

AYES

Creasy, Stella	Lewell-Buck, Mrs Emma
Debbonaire, Thangam	McCabe, Steve
Green, Kate	Siddiq, Tulip

NOES

Caulfield, Maria	Milling, Amanda
Hoare, Simon	Syms, Mr Robert
Kennedy, Seema	Timpson, Edward
Merriman, Huw	Tomlinson, Michael

Question accordingly negatived.

Clause 22 ordered to stand part of the Bill.

Clauses 23 to 30 ordered to stand part of the Bill.

Clause 31

PRE-EMPLOYMENT PROTECTION OF WHISTLE-BLOWERS

Mrs Lewell-Buck: I beg to move amendment 39, in clause 31, page 20, leave out line 4.

This amendment would retain reference to the Health Service in the Employment Rights Act 1996.

This brief amendment would retain reference to the health service in the Employment Rights Act 1996. Social workers and others in the sector have been pleased to see that whistleblowing arrangements have been included in the Bill, but we query why child protection and other children's social workers employed by the health service have been omitted from the whistleblowing provisions, given how many there are. Why are children's social workers employed in hospitals and other areas omitted? It would be a shame, especially in the wake of what we

[Mrs Lewell-Buck]

know of institutional abuse in certain hospitals, if such employees were not accorded the same whistleblower protections as their peers employed privately or by local authorities.

Marion Fellows (Motherwell and Wishaw) (SNP): I apologise for my earlier error, Mrs Main.

The Scottish Government acknowledge and respect the need for whistleblowing and believe that procedures should be in place across the public and private sectors to support staff in raising any concerns in order to ensure that people can work in a safe and secure environment. Without whistleblowers, serious concerns may take longer to be noticed and rectified. Any proposals that strengthen whistleblowing procedures and help protect employees and service users across the public sector are welcome.

Robust whistleblowing procedures are in place across Scotland, including in our NHS, but the Scottish Government and the SNP support further reforms to protect and embed an honest and open reporting culture in which all staff have the confidence to speak up without fear and in the knowledge that any genuine concern will be treated seriously and investigated properly. All children and young people have the right to be cared for and protected from harm. The amendment will help with that and we support it.

Edward Timpson: As we have heard, the clause provides the Secretary of State with the power to make regulations to prohibit relevant employers who carry out children's social care functions from discriminating against those applying for roles in the children's social care sector on the basis that it appears to the employer that the applicant has made a protected disclosure. This includes when the employer refuses the application or in some other way treats the applicant less favourably than it treats others for the same application. I am pleased that we were able to work so productively with Lord Wills in the other place over the summer to produce these important protections.

For the benefit of the hon. Member for South Shields, let me clarify that social workers employed in the NHS are already covered by the 2006 provisions and will be captured in the relevant regulations, with the consultation due in the new year. That is another consultation that I suspect she will want to keep a close eye on, and to which she might wish to contribute.

The Government are clear that those working with the most vulnerable must be able to report their concerns. They deserve effective protection when they make a protected disclosure. Workers with such concerns can already make a disclosure to their employer or the prescribed bodies for child protection and wellbeing social workers. We agreed with Lord Wills' proposals that, in addition, we should protect those seeking employment with specified bodies in roles relating to local authorities' children's social care functions. We are delighted to have worked with him to produce a suitable amendment.

Mrs Lewell-Buck: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 31 ordered to stand part of the Bill.

Clause 32

CHAPTER 2: CONSEQUENTIAL AMENDMENTS

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

The Chair: With this it will be convenient to discuss Government motion to transfer clause 32 to the end of line 39 on page 19.

Edward Timpson: I will be brief. The clause introduces a second set of consequential changes to legislation contained in schedule 1 to the Bill and relating to the provisions in chapter 2. The motion to transfer is another administrative exercise to tidy up this chapter into three smaller chapters.

Question put and agreed to.

Clause 32 accordingly ordered to stand part of the Bill.

Ordered,

That clause 32 be transferred to the end of line 39 on page 19.—*(Edward Timpson.)*

The consequential amendments introduced by clause 32 are in Part 2 of Schedule 1. They replace or remove references to Local Safeguarding Children Boards (abolished by clause 30). Transferring clause 32 would enable it to appear in the new Chapter relating to the safeguarding of children (see the explanatory statement for the motion to transfer clause 11).

Schedule 1 agreed to.

Clause 33

SOCIAL WORK ENGLAND

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

Mrs Lewell-Buck: Regulation clauses in part 2 of the Bill deal with the establishment of a new regulator for both children's and adults' social work across all specialisms. It will be called Social Work England. The Department for Education and the Department of Health, without any prior consultation or dialogue with the social work profession, propose to end regulation by the Health and Social Care Professionals Council and to replace it with an inevitably much more costly bespoke regulatory system.

In recent years there has been a lot of flux in relation to social work regulation. There was the General Social Care Council, the college and then the Health and Care Professionals Council, and now we will have Social Work England. I hope that the Minister will confirm that this ever-changing landscape is going to cease and that we will not be debating another regulator in another year or so, because all that this change does is create constant disruption in the profession.

3 pm

I profess to being relieved to be speaking to this clause without having to battle against the Government on their initial proposal that the new regulator be established as an executive agency of the Department for Education. The fact that that was proposed at all is disgraceful. State-run regulation is something that none of us ever wants to see. Indeed, a survey by Unison in

August found that around 90% of social workers thought the profession should be regulated by an independent body and not by Government. I congratulate the noble Lord Watson and Lord Warner for their tireless work on this section of the Bill in the other place. They were successful in getting a number of concessions on the regulator to make it independent from Government.

Although I am pleased that I do not have to stand here and talk about a state-run regulator, it is worth reflecting for a moment on what the Government were planning to do, because it indicates their true feelings towards the profession. This would have had a hugely negative impact on the extent to which social workers feel ownership of improvement initiatives, and it would have stifled the development of the profession—*[Interruption.]* I will shorten my comments.

The Chair: What might have been done is somewhat off what is being done.

Mrs Lewell-Buck: I appreciate that.

Even with the amendments to the clause, the original proposition was outrageous. It has left a bad taste in the mouths of many in the sector, and distrust and scepticism behind the whole idea of the new regulator. What assurances can the Minister give that will ensure that social work regulation has the appropriate autonomy and distance from prevailing Government policy, and that it focuses on public protection, which is the proper priority of regulation? Will he tell us why social work is always treated differently from other health and social care professions?

Regulation of all professions should focus on assuring fitness to practice and public protection. All other professions are regulated to ensure consistent and safe practice. That arrangement provides continuity through the changes that inevitably come from successive policy developments under different Governments. Given that there is little cross-party consensus on children's social care policy at the moment, and that subsequent Governments could take a different path, this is particularly worrying.

Although the amended proposals for a non-departmental public body regulatory body suggest more independence than was first proposed, a NDPB can mean a wide range of governance and independence options. We are challenging the detail of current proposals that intend for the Government to directly appoint the leadership of the organisation. We expect that the key roles of chair and chief executive officer, as well as the board, will be appointed without political control of process and decision making. Current Government proposals mean that the Secretary of State for Education controls those appointments.

It would be better for regulatory standards to be set out through a profession-led process. The British Association of Social Workers and its partners should drive that; BASW has always supported and campaigned for regulation to ensure high standards and to protect the public. If independence from Government control is not instituted in these new arrangements, that will detract from the profession developing its own standards and setting capabilities and a culture of responsibility for excellence at every single level.

We are also concerned that the proposals risk fostering resistance to regulation and might lead to social workers choosing to deregister if a new regulator focuses on delivering current Government policy and sets requirements for registration that inappropriately narrow down the options for how social workers can demonstrate their fitness to practise. That risk is exacerbated by the probability of significantly increased fees for social workers from an expensive and bespoke regulator. There has recently been a decline in the number of social workers being trained. There is a further risk of decline with proposed changes to training bursaries disincentivising good candidates from the profession. Problems in retention persist. The profession and our public services cannot withstand the further risk of a drain of talent and capacity from the registered workforce. I hope that the Minister understands that and will sum it up in his comments.

Edward Timpson: Clause 33 underpins our ambition to improve the practice of social work and raise the status of the profession. It establishes a new body corporate, Social Work England, which will be a new, bespoke regulator for this vital and unique profession.

First, I will set out the case and motivation for reform. In many ways, the easiest thing would be to do nothing and not prioritise social work as a key plank of the Government's efforts to transform children's social care. I think we all agree that high-quality social work can transform lives and that social workers play a critical role in our society. They deliver a range of vital services, from safeguarding the most vulnerable to supporting those with complex needs to live life to the full. Every day, social workers deal with complex and fraught situations that require a great depth of skill, knowledge, understanding and empathy. When social workers are not able to fulfil their role competently the consequences can be catastrophic, which is why the Government have developed a significant reform programme to improve the quality of social work and of the systems that support social workers. That includes investing £750 million since 2010 in supporting both traditional and fast-track routes into the profession and investing £100 million to date in the children's social care innovation programme, so that local authorities and others can evidence how to reform services and practice to be more effective.

More is needed. To underpin the reforms, social work needs a regulatory system that meets the needs of this unique profession. Such a regulatory system will help to improve public safety and promote the status and standing of social work. The need for an improved system of regulation for the social work profession in England has been highlighted in recent independent reviews.

The hon. Lady asked why the social work profession should have a different regulator from the health profession. The approach of the current regulator, the Health and Care Professions Council, is designed to maintain minimum standards of public safety and initial education across a range of professions, rather than to drive up standards in any one profession. Driving up standards is vital for a profession in which the safety of our most vulnerable people is inextricably linked to the highest standards of practice. I would argue also that social work is a distinct and highly skilled profession and that its practitioners manage complex risks and work with vulnerable children

[Edward Timpson]

and adults on a daily basis. A new specialist regulator for social work reflects that reality and will be able to focus on the unique nature of social work practice and on the education and training needed to support it in a way that is, unfortunately, not currently possible.

Clause 33 provides for the establishment of a new regulator for the social work profession in England. It makes it clear that our intention is to set up a regulator that is a separate legal entity at arm's length from Government. It is important to maintain appropriate distance between the new regulator and Government, and I make it clear that it has never been our intention to give Government the power to make decisions about the fitness to practise of individual social workers.

The clause also introduces schedule 2, which sets out the new body's governance and accountability arrangements. We may want to discuss that in more detail later, but our ambition in establishing a new bespoke, independent regulator for social work is to continue improving the practice of social work and raising the status of the profession.

Steve McCabe: I thought it might be better to intervene now rather than take up time later. On the financing of the regulator, the Minister will be familiar with the experience of the College of Social Work, for which the start-up cost included about £5 million of Government money. The college only ever reached half its anticipated registration figure, and it eventually had to close because it did not have sufficient funds to continue.

I have three specific questions. First, is the Minister confident that the regulator will be financially self-sustaining without the cost being prohibitive enough to cause a problem with registration? Secondly, will individuals have to register as individuals, or will it be possible for an employer or local authority to register them? That happened under the College of Social Work, but of course that was part of its undoing. Finally, the regulator appears to be taking on some of the functions that were previously associated with the College of Social Work and the former Central Council for Education and Training in Social Work, including education and training. Is he confident that the combination of setting the standards, approving the qualifying training and regulating the practice of individuals is compatible with having a single organisation? I recognise that he has made a lot of changes since the original proposals, so I am not criticising what he is trying to do. I am trying to be clear about how the regulator will work, given past experiences of efforts in this direction that have not exactly been that successful.

The Chair: That was a substantial intervention.

Edward Timpson: I am always happy to talk with the hon. Gentleman at any time about the details of policies and their implementation, and this is no exception. Despite the short time I have had to prepare an answer, I will do my best to give him the details that he seeks.

The Government will significantly support the establishment of Social Work England as a regulator in terms of the set-up costs. We anticipate that about £10 million will be provided by the Government from the Department of Health. The Government will also contribute up to £16 million over the rest of this Parliament to support the running costs of Social Work England. We anticipate that it will become a self-sustaining model. For the reasons that the hon. Gentleman set out, we want to ensure that, during that period, that is exactly what we work towards.

The administration and workings of the new regulator will be overseen by the Professional Standards Authority, which will be keeping a close eye on its ability to be sustainable. At the moment, we are looking at individual registration, but I will look carefully at what the hon. Gentleman said about whether there are other mechanisms. The important thing is that we are confident that every person who is meeting the necessary standards is doing so as an individual, as opposed to as part of a team. It is that person's professional capacity that we are most interested in.

The regulator is not an improvement body; it is purely a regulator. One point I will pick up on for the hon. Member for South Shields is that we want to work with the various professional bodies that support social workers so that we have a single body that can help social workers with their improvement journey through their career, so that they feel supported in the process.

We have established an advisory group that includes the Association of Directors of Children's Services, the Association of Directors of Adult Social Services, the British Association of Social Workers, Unison, the Local Government Association and the PSA, which will act as our critical friend and provide effective challenge to help us to develop the detail and the practical delivery of the new regulator. The first meeting took place on 9 December. The intention is that the group will meet every six weeks to discuss the challenges that the changes will have for the wider social workforce, and to help support the development and detail of Social Work England. There are requirements in the Bill for Social Work England to consult on its standards, so there is another opportunity to look at those more closely. On that basis, I hope that the clause stands part of the Bill.

Question put and agreed to.

Clause 33 accordingly ordered to stand part of the Bill.

Schedule 2 agreed to.

Clauses 34 to 43 ordered to stand part of the Bill.

Clause 44

FEES

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

Mrs Lewell-Buck: There are concerns that the new regulator, Social Work England, has been developed without any prior consultation or dialogue with the profession. There is a worry that it is likely to have cost implications for social workers in the form of high registration fees. I hope that the Minister can today confirm that that will not be the case, and that the Government can protect already practising social workers and require that fees for the new regulator's initial five years of existence be set no higher than the projected fees over that time for the existing regulator.

Social workers are already grossly underpaid for the work they do. The job is done seven days a week. It involves great personal and financial sacrifices and affects their mental and physical health. They should not have to bear the burden of paying for a new regulator that they never asked for.

3.15 pm

Edward Timpson: Clause 44 enables the Secretary of State, through regulations, to confer power on the regulator to charge fees in relation to registration or continued registration in the register provided for in clause 36; assessing whether a person meets a professional standard relating to proficiency, under clause 38(4); and the approval or continued approval of education and training courses in accordance with a scheme provided for in clause 39. Social workers currently pay £180 every two years to be registered with the Health and Care Professions Council. Those fees enable the HCPC to carry out its functions effectively. Clause 44 will enable Social Work England to have a power similar to the one that already exists.

Our vision is to create a confident and highly capable social work profession with the right knowledge and skills. I am sure that hon. Members would agree that that is worth pursuing, but to support that vision we need to invest in the profession by putting in place a new, bespoke regulator that focuses on practice excellence from initial education through to post-qualification specialism.

The clause is clear that before the regulator can determine the level of the fee, it must consult those persons whom it considers appropriate and must gain approval from the Secretary of State. That is a very significant part of the clause. Although it is right and proper that the regulator has appropriate freedoms and flexibilities, we want to ensure that any potential increase in fees is proportionate. I assure hon. Members that there is no intention that this will involve any element of profit making. The powers in respect of fees simply allow flexibility in the use of funding, thereby allowing cross-subsidisation. They would allow, for example, newly qualified social workers to pay a reduced fee for the first two years of registration as they do now.

The clause also enables the Secretary of State to confer power on the regulator to charge for the approval or continued approval of education and training courses. Again, that happens in other professions, but not currently in social work.

Steve McCabe: I just want this to be clear. Is it the Minister's intention that anyone working for any organisation in England whose job could reasonably be described as that of a social worker will have to be registered with the regulator to continue to do that job?

Edward Timpson: This is in relation to a children and families social worker. There are other roles that people can have within children's social care, but if someone wants to qualify and be accredited as a social worker in that respect, the regulator is there for them. Of course it also incorporates adult social work and the regulation of that profession, but for any social worker there is a generic part to the degree, which the hon. Gentleman will be aware of. We want to ensure that there is consistency of approach to how we ensure that we know who meets the necessary standard, and that is reflected in the detail set out in subsequent clauses and the regulations that will follow.

Under the current regime, the cost is met from the registration fees paid by individual social workers. Again, it is right to make provision to enable the regulator at least to consider that option, but the clause is clear that it would need to consult before determining the level of any fee in order to understand any potential impact. The clause will also enable the new regulator to charge for assessing whether a person meets a professional standard relating to proficiency. Under clause 38(4), the Secretary of State may by regulations make provision about arrangements for such assessments.

The Government are keen to promote the development of post-qualification specialist practice, and we firmly believe that Social Work England can play a positive role in that, albeit as a regulator. In the first instance, it will take on functions relating to best interest assessors and approved mental health professionals. Over time, it may have a role in supporting efforts to develop post-qualifying specialisms for accredited child and family practitioners. The power under clause 38 for regulations to make provision about arrangements for the regulator to assess proficiency and the power dealt with in clause 44 for regulations to make provision for the regulator to charge a fee in respect of such assessments are included to support this future possibility. I am sure that hon. Members will agree that it is sensible in not tying the regulator's hands to the extent of potentially affecting sustainability in the long term.

Before exercise of the powers, including determination of the level of any such fee, regulations must be made through the affirmative procedure and the regulator must consult any persons whom they consider appropriate. That ensures that the appropriate safeguards are in place and addresses the issues raised by the hon. Lady. I hope that on that basis, the Committee will support the clause.

Question put and agreed to.

Clause 44 accordingly ordered to stand part of the Bill.

Clauses 45 to 50 ordered to stand part of the Bill.

Schedule 3 agreed to.

Clauses 51 to 57 ordered to stand part of the Bill.

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

3.22 pm

Adjourned till Tuesday 10 January 2017 at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

CSWB 09 Women's Aid

CSWB 10 Women Against Rape (WAR)

CSWB 11 Equality and Human Rights Commission

CSWB 12 Anonymous

CSWB 13 Independent Children's Homes Association

CSWB 14 Mary J Flores AKA Mary Moss