

# HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

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50th Report of Session 2017–19

Correspondence:

**Children’s Homes etc. Inspection Fees,  
Childcare Fees, Adoption and Children  
Act Register (Amendment) Regulations  
2019**

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### *Secondary Legislation Scrutiny Committee*

The Committee's terms of reference, as amended on 11 July 2018, are set out on the website but are, broadly:

To report on draft instruments and memoranda laid before Parliament under sections 8, 9 and 23(1) of the European Withdrawal Act 2018.

And, to scrutinise –

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in the terms of reference.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

### *Members*

Rt Hon. Lord Chartres	Lord Goddard of Stockport	Baroness O'Loan
Rt Hon. Lord Cunningham of Felling	Lord Haskel	Lord Sherbourne of Didsbury
Lord Faulkner of Worcester	Rt Hon. Lord Janvrin	Rt Hon. Lord Trefgarne (Chairman)
Baroness Finn	Lord Kirkwood of Kirkhope	

### *Registered interests*

Information about interests of Committee Members can be found in the last Appendix to this report.

### *Publications*

The Committee's Reports are published on the internet at <http://www.parliament.uk/seclegpublications>

The National Archives publish statutory instruments with a plain English explanatory memorandum on the internet at <http://www.legislation.gov.uk/uksi>

### *Committee Staff*

The staff of the Committee are Christine Salmon Percival (Clerk), Helen Gahir (Adviser), Nadine McNally (Adviser), Philipp Mende (Adviser), Jane White (Adviser), Louise Andrews (Committee Assistant), Ben Dunleavy (Committee Assistant) and Paul Bristow (Specialist Adviser).

### *Information and Contacts*

Any query about the Committee or its work, or opinions on any new item of secondary legislation, should be directed to the Clerk to the Secondary Legislation Scrutiny Committee, Legislation Office, House of Lords, London SW1A 0PW. The telephone number is 020 7219 8821 and the email address is [hlseclegscrutiny@parliament.uk](mailto:hlseclegscrutiny@parliament.uk).

# Fiftieth Report

## CORRESPONDENCE

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### **Children's Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019 (SI 2019/835)**

1. In our 49th Report of Session 2017-19,<sup>1</sup> the Children's Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019 were drawn to the special attention of the House. Appendix 4 of the 49th Report contained a letter from the Rt Hon. Lord Trefgarne, Chairman of the Secondary Legislation Scrutiny Committee to Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families at the Department for Education, requesting further information. We have received a response from the Minister, which we are publishing at Appendix 1. We are grateful to the Minister for his reply.
2. Correspondence has also been received from:
  - Dr Carol Homden CBE, Group Chief Executive, Coram - letter of 23 May 2019 (Appendix 2)
  - Mr Andy Leary-May, Chief Executive, Link Maker - letter of 24 May 2019 (Appendix 3).
3. These letters are published for the information of the House.

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<sup>1</sup> [49th Report](#), Session 2017-19 (HL Paper 366).

## **APPENDIX 1: CORRESPONDENCE ON CHILDREN'S HOMES ETC. INSPECTION FEES, CHILDCARE FEES, ADOPTION AND CHILDREN ACT REGISTER (AMENDMENT) REGULATIONS 2019**

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### **Letter from Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families at the Department for Education, to the Rt Hon. Lord Trefgarne, Chairman of the Secondary Legislation Scrutiny Committee**

Thank you for your letter of 22 May with further questions regarding the above Regulations and further letter of 23 May sharing the Secondary Legislation Scrutiny Committee's report on the Children's Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019. Whilst I recognise the concerns you have regarding these Regulations, I would like to reassure the Committee that this decision was made following careful scrutiny of all the evidence and I am confident that it will not have a negative impact on children and adopters.

I hope my letter of 21 May 2019 was helpful in clarifying some detail about the commercial providers. With regard to the additional points raised in your letter, I hope the following information will help provide further assurance that there is no gap in provision for children and adopters.

As I stated in my evidence to the Committee, the main commercial provider is an organisation called Link Maker. Link Maker is a social enterprise set up by a group of adopters. Andy Leary-May, their Chief Executive, has written to both you and me following the hearing to provide further information on their service.

Link Maker is well established in the market and, even when the Register was still in operation, the vast majority of local authorities chose to pay a subscription to Link Maker, despite the existence of a free service. It is my understanding that the charity Coram, the former contractor for the Adoption Register, also intends to set up a matching service. They have communicated that to all local authorities, but I do not know when this service is expected to launch.

It is the responsibility of local authorities and adoption agencies to decide which services they subscribe to in order to enable matching, and I have every confidence that they will continue to work in the best interests of the children and adopters when seeking matches. We are now aware that all local authorities subscribe to Link Maker, however, I do not know how many local authorities choose to subscribe to additional services.

In my letter to the Committee, I explained that I had been made aware that the average subscription for a local authority to Link Maker is around £5,000 rather than the £10,000 I had stated in my evidence to the Committee. It is my understanding that £10,000 is at the upper end of a subscription to Link Maker, however, I am unable to say what the distribution of local authorities across that range is, except to say that around £5,000 is the average. The amount paid is a matter between individual local authorities and Link Maker.

During the evidence session, Lord Russell raised the question about hard to place children. To some extent, all children who are not placed locally and so end up on a matching service, could be regarded as harder to place, however, they generally fall into certain categories such as sibling groups, ethnic minorities and children with disabilities.

In March 2019, Link Maker had active profiles for over 1,500 approved adopters, whilst the Adoption Register had around 400 active profiles. As well as a larger pool of adopters, Link Maker contains more hard to place children than the Adoption Register did. In terms of groups often considered 'hard to place' for adoption, their recent cohort includes:

- 50% of children in sibling groups of 2 or more
- 12% of children over the age of 5
- 27% of children who are not identified as White British
- 15% of children with multiple identified health and/or emotional needs

I understand that Link Maker monitors the progress of every child once added to the system and, if a child has been on the system for a long time without any links being progressed, an email is sent to the social workers to suggest ways of getting more potential matches. Management information can also be viewed at a local and regional level to assist agencies in seeking matches.

The Adoption Register ceased operating on 31 March 2019, and, since then, I have not received feedback from any adoption agency to suggest they are struggling without it. The Association of Directors of Children's Services have said, "local authorities continue to take responsibility for our children who need adoption and the adopters we approve, and have never relied on one system alone in the matching process".

I hope information this has helped clarify the points you have raised in your letter and if you have any further questions, I would be happy to provide you with additional detail.

**30 May 2019**

## **APPENDIX 2: CORRESPONDENCE ON CHILDREN'S HOMES ETC. INSPECTION FEES, CHILDCARE FEES, ADOPTION AND CHILDREN ACT REGISTER (AMENDMENT) REGULATIONS 2019**

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### **Letter from Dr Carol Homden CBE, Group Chief Executive at Coram, to Lord Trefgarne**

I write having listened with interest to the evidence session of the House of Lords Secondary Legislation Scrutiny Committee on Tuesday 14th May which covered the suspension of the Adoption Register for England on 31st March this year and the government's vision for the future of matching children with families.

As one of the largest and most successful independent adoption agencies in the UK Coram also ran the Adoption Register for England under contract to DfE for three of its 16 years until its suspension — effectively closure — on 31st March this year. We are instrumental in 10% of all placements made in England, more than any other agency.

We therefore welcome the Committee's interest in this sector, and I would like to take this opportunity to set out our concerns, previously expressed, about the impact of the suspension of the Register on some of the most vulnerable children in our society and propose steps needed to secure their chances of placement in loving adoptive homes.

For many children who are more difficult to place - often those with additional needs, developmental uncertainty or in sibling groups — the specialist child-led searching of the Adoption Register by a dedicated team in Leeds has provided a key service to enable the identification of their 'family for life'.

This issue is not the technological system but the fact that agencies were required to register any child or adopter waiting after 90 days. This provision has now been lost so there is a new risk some children will go unseen. In the last year alone, matches were found for 277 of the hardest to place children in this way and through Exchange Days bringing professionals together with adopters from across the country. These children could all have been "advertised" on the commercial system which provides the solution for many, but they were not "chosen". The number of children matched by the independent register service quadrupled in the last three years despite the existence of other methods.

A child's entitlement to find a permanent home should never be dependent on financial considerations, and the only a free national service to children waiting has been removed despite the fact that the costs of the service provided by the Register overall were recovered from the avoided childhood care costs of just one child placed.

Coram was the provider of the Public Sector digital service of the year in 2015 and we share the Minister's aspiration that a new system may support the speeding up of the matching of children and approved adopters but suspension/closure of the Register is premature.

As the Minister himself acknowledged, we are currently in 'an interim phase'. For hard to adopt children, any delay may already be too late. Many of the children we serve do not have the luxury of waiting for a new system to be embedded. It will also only be as effective as its use and unless children must be registered then some will not be.

The Adoption Register was the only registered, child-focussed pro-active independent service helping agencies to find adoptive homes for children when all other approaches have been tried. It was a vital extra chance for those who wait the longest - those with additional needs, developmental uncertainty, BAME or in sibling groups. It would have been far preferable in our view to maintain the Register during this transitional period, and make a decision about its longer term future, once the full national roll-out was complete.

The Register provided information to the courts via dedicated searches to provide them as decision maker about the potential number of prospective adopters that might be specifically available for a child should the court decide that was in their best interests. This was informed not only by numbers but by the profiles of children and track record of success.

Whilst we would take issue with description of the Register as 'clunky' and the Minister correctly points out the far higher proportion of children adopted through the main commercial provider, this is not surprising given the Register's remit to place those children left behind and without any viable budget for technological development. This however is not the point and Coram is looking to the future to find ways to continue to support agencies which - despite the existence of technological matching approaches - cannot find loving homes for all too many children.

You can find further details on our position on suspension of the Register on our website, which includes an interview I gave to the Guardian at the time. Despite the announcement by the DfE in August 2018 that the Register contract would cease in March 2019, there was no slowdown in the number of these requests from practitioners across the country, indeed 118 requests were made in February 2019, with just over a month to go until service closure. At this point there were 925 children waiting and only 220 adopters, the worst insufficiency in memory.

Whilst we all hope that regional adoption agencies, once formed, will step up their sufficiency, this gap is unlikely to be closed without a concerted national effort.

What is needed now is not just a technological modernisation but a commitment to children-first approaches and all best practice methods. The Register provided such a service, and we have yet to be convinced that the government's proposed alternative will enhance children's life chances.

We believe that all children and adopters should be entitled to an independent service that tackle and overcome unconscious bias, regional demography and disparities in practice as well as financial disincentives.

Coram will continue to work with all relevant stakeholders across the sector to do the very best for those vulnerable children who most need our support and is today pioneering a new Be My Family service including activity days for fostering as well as adoption, and tools for recruitment and matching. We hope government will support us in delivering National Adoption Week to provide support to all agencies at this critical time.

I would be happy to answer any other questions you have on Coram's work or on the future direction of adoption services, and provide any additional briefing on this area that you might need.

**23 May 2019**

### **APPENDIX 3: CORRESPONDENCE ON CHILDREN'S HOMES ETC. INSPECTION FEES, CHILDCARE FEES, ADOPTION AND CHILDREN ACT REGISTER (AMENDMENT) REGULATIONS 2019**

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#### **Letter from Mr Andy Leary-May, Chief Executive at Link Maker, to Lord Trefgarne**

I see from the report published 23rd May 2019 that the committee seeks additional information regarding the status and funding of matching tools that continue to be used following the suspension of the statutory register. As the provider of one such matching tool, Link Maker hopes that the information below may be helpful.

Link Maker is social enterprise formed in 2014 by adoptive parents who were frustrated by the deficiencies in the matching tools available at that time. They left their jobs at an adoption support charity and invested their own time and money creating a website that, they believed, would dramatically increase placement choice and reduce delay for children, while bringing efficiencies for adoption agencies, and allowing prospective adopters to be more involved in the search for their children.

The key innovation was to allow those who know what they are looking for in a match, adopters and children's social workers, to have direct access to each other, rather than relying on a third party to suggest matches on their behalf. This required a carefully considered, highly sophisticated and secure system of search and communication tools, and this is what Link Maker set about creating.

In the five years since, Link Maker has been working directly with local authorities, voluntary adoption agencies and national leads, ensuring that changing needs are met, and that any opportunities for improved practice, and better results for children, are realised.

In England, every local authority, regional adoption agency and voluntary adoption agency uses Link Maker. Evidence of matching performance and user-satisfaction has been gathered and shared elsewhere, and Link Maker is happy to share any data it holds itself on request.

Link Maker has been selected as the IT platform supporting the national registers in both Scotland and Wales, where it replaced the same system that was used by the Register for England. As a result, family-finding can be conducted seamlessly between these three nations, according to the appropriate policies in each area, and the needs of individual children.

Link Maker can be purchased through the government's 'Digital Marketplace' framework, where full details of the service, including security and pricing, is publicly available: <https://www.digitalmarketplace.service.gov.uk/g-cloud/services/780127922400075>

Link Maker heavily re-invests its income, with a full-time team of 12 people constantly extending and improving the platform in response to the needs of the children's social care sector. We don't do anything else. This has enabled us to support the government's regionalisation programme since 2015, putting the tools in place for new regional adoption agencies across England. Indeed, we have been able to steadily innovate in all areas of the platform, to further improve matching, and to bring greater accountability and better use of data to inform practice and policy.

In the area of adoption support, Link Maker recently began providing its services free of charge to Adoption UK, the leading charity supporting adoptive families. Within a new partnership, the two organisations are seeking to reduce isolation for adoptive families, and to help adopters to access support.

Link Maker strongly believes that all children in care deserve the widest placement choice, and the most child-focussed matching decisions. We therefore extended our platform in 2016, again using our own investment, to include fostering and residential care. We aim to reduce silos between different care settings and are currently working in partnership with a group of 8 authorities on a DfE funded innovation project, seeking to improve the commissioning process, and to pull together data from a range of sources to build a more complete picture of children's journeys.

A child's wishes have always been central to Link Maker's platform. For example, our profile for children seeking adoption, since its introduction in 2014, has provided detailed information about a child's personality, hobbies, favourites foods, sports, pets etc, and a description of their 'perfect day'. We are currently building a 'child view' feature, enabling children and young people to directly consider and comment on placements available to them, in order to be more fully involved in decisions that can have so much impact on their lives. In this, as in all other areas, enterprises such as Link Maker cannot force change, but we can open doors to new ways of working that benefit children.

**24 May 2019**

## APPENDIX 4: INTERESTS AND ATTENDANCE

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Committee Members' registered interests may be examined in the online Register of Lords' Interests at <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests>. The Register may also be inspected in the Parliamentary Archives.