

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

EDUCATION AND ADOPTION BILL

Second Sitting

Tuesday 30 June 2015

(Afternoon)

CONTENTS

The Committee deliberated in private.
Examination of witnesses.
Programme order amended.
Examination of witnesses.
Written evidence reported to the House.
Adjourned till Thursday 2 July at half-past Eleven o'clock.

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED

£6.00

Members who wish to have copies of the Official Report of Proceedings in General Committees sent to them are requested to give notice to that effect at the Vote Office.

No proofs can be supplied. Corrigenda slips may be published with Bound Volume editions. Corrigenda that Members suggest 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 4 July 2015

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY
FACILITATE THE PROMPT PUBLICATION OF
THE BOUND VOLUMES OF PROCEEDINGS
IN GENERAL COMMITTEES

© Parliamentary Copyright House of Commons 2015

*This publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

The Committee consisted of the following Members:

Chairs: MR CHRISTOPHER CHOPE, † SIR ALAN MEALE

† Berry, James (<i>Kingston and Surbiton</i>) (Con)	† Nokes, Caroline (<i>Romsey and Southampton North</i>) (Con)
† Brennan, Kevin (<i>Cardiff West</i>) (Lab)	Pugh, John (<i>Southport</i>) (LD)
† Donelan, Michelle (<i>Chippenham</i>) (Con)	† Timpson, Edward (<i>Minister for Children and Families</i>)
† Drummond, Mrs Flick (<i>Portsmouth South</i>) (Con)	† Tomlinson, Michael (<i>Mid Dorset and North Poole</i>) (Con)
† Esterson, Bill (<i>Sefton Central</i>) (Lab)	† Trevelyan, Mrs Anne-Marie (<i>Berwick-upon-Tweed</i>) (Con)
† Fernandes, Suella (<i>Fareham</i>) (Con)	† Walker, Mr Robin (<i>Worcester</i>) (Con)
† Gibb, Mr Nick (<i>Minister for Schools</i>)	Wilson, Sammy (<i>East Antrim</i>) (DUP)
† Haigh, Louise (<i>Sheffield, Heeley</i>) (Lab)	Fergus Reid, Glenn McKee, <i>Committee Clerks</i>
† James, Margot (<i>Stourbridge</i>) (Con)	† attended the Committee
† Jones, Graham (<i>Hyndburn</i>) (Lab)	
† Kyle, Peter (<i>Hove</i>) (Lab)	
† Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab)	
† McCabe, Steve (<i>Birmingham, Selly Oak</i>) (Lab)	

Witnesses

Sir Martin Narey, Chair, National Adoption Leadership Board

Carol Homden, Chief Executive, The Thomas Coram Foundation for Children (Coram)

Annie Crombie, Chair of the Consortium of Voluntary Adoption Agencies

Hugh Thornbery, Chief Executive, Adoption UK

Andy Leary-May, Chief Executive, Adoption Link

Andy Elvin, Chief Executive, The Adolescent and Children's Trust (TACT)

Anna Sharkey, Chief Executive, Adoption Focus

Alison O'Sullivan, President, Association of Directors of Children's Services

Russell Hobby, General Secretary, National Association of Head Teachers

Nick Gibb MP, Minister of State, Department for Education

Edward Timpson MP, Minister of State, Department for Education

The Lord Nash, Parliamentary Under-Secretary of State, Department for Education

Public Bill Committee

Tuesday 30 June 2015

(Afternoon)

[Sir Alan Meale *in the Chair*]

Education and Adoption Bill

2 pm

The Committee deliberated in private.

2.1 pm

On resuming—

Examination of Witnesses

Sir Martin Narey, Carol Homden and Annie Crombie gave evidence.

2.1 pm

Q105 The Chair: Welcome back. Would the witnesses introduce themselves to the Committee?

Sir Martin Narey: Certainly, sir. I am Sir Martin Narey, and I am chair of the national Adoption Leadership Board. I was chief executive of Barnardo's for five years.

Carol Homden: I am Carol Homden, chief executive of Coram.

Annie Crombie: I am Annie Crombie, chair of the Consortium of Voluntary Adoption Agencies.

2.2 pm

Sitting suspended.

2.9 pm

On resuming—

Q106 Steve McCabe (Birmingham, Selly Oak) (Lab): May I ask all three of you, what problem are these proposals designed to address and will they do it?

Sir Martin Narey: I have been instinctively against structural change. When I first started advising the Government, I just wanted us to encourage local authorities to get on to it and, actually, they did. They have done really well with recruitment. The measures address a fundamental problem with matching. As well as chairing the national board, I spend a bit of time in the north-east, which is where I live. For many local authorities, the last adopters they want are adopters who live within the confines of their area. They are placing neglected children, who need to be put somewhere else for their safety. Matching on a more regional basis will make a difference. I hope that the proposals will reduce the parochialism of local authorities so they will look for the very best adopters, whether they are from another local authority or from a voluntary adoption agency.

Carol Homden: There is huge variation in performance between different agencies across the country, which results in a postcode lottery for children. It is important that we bring together the agencies and organisations in the pursuit of excellence and best practice for all children. The proposals may assist that process.

Annie Crombie: One of the things that the proposals are trying to address is the challenge of sequential decision making. We have seen this problem in the adoption system for years whereby a local authority will look first to adopters that it has within its own pool and then only after it is clear that there is no one suitable there will it look beyond to what we call an inter-agency placement.

These proposals could help significantly with that, meaning that local authorities will look immediately towards a bigger pool of adopters. There is a risk that, unless the voluntary adoption agencies are a really key part of the regional adoption agencies—we hope that they will be—they will find it harder to continue to provide adopters. That is a risk that I think needs to be managed, but we need to ensure that the adopters that voluntary adoption agencies provide are also available to local authorities and that the regional adoption agencies would look for those adopters as well for ones within a local authority pool.

Q107 Steve McCabe: If the problem is largely about matching and there is a postcode lottery, would it not make more sense to give the local authorities the role of purchaser and allow specialised agencies with all their expertise to go out, find the families and do the matching? Would that not be just as adequate a solution as this proposal?

Sir Martin Narey: One of the things I like about the proposal is that it is not very prescriptive about how regions will do that. I think if some local authorities in a region came together and decided that the best thing to do would be to contract out their recruitment of adopters to a voluntary adoption agency, they could do that. I like to think that the Government have listened to advice, including from me, and I think the Government have listened to local authorities, many of whom I have met, who instinctively want to do something differently. They realise that the current limitations in 152 local authorities—180 organisations including VAAs—doing this is not very sensible. They have been given an opportunity, with a bit of money, to help them to improve their own service.

I go around the country quite a lot and I have yet to meet an adoption manager or director of children's services who does not think that this is something that could make things better. They are thrilled about the opportunity to design what is best for them themselves, rather than taking a top-down model.

2.13 pm

Sitting suspended for Divisions in the House.

2.40 pm

On resuming—

Ordered,

In programme order [this day], in the table—

Delete “2.45 pm” and insert “3.15 pm”.

Delete “3.15 pm” and insert “4.00 pm”.

Delete “4.00 pm” and insert “4.30 pm”.

Delete “4.15 pm” and insert “4.50 pm”.

Delete “5.00 pm” and insert “5.45 pm”.—(*Margot James.*)

The Chair: Dr Homden.

Q108 Steve McCabe: Sir Alan, before we come to Dr Homden, could I just check something? I was asking why not go for a purchaser-provider split, and Sir Martin said that the great thing is that this proposal is permissive, non-prescriptive and allows people to innovate. Actually, the legislation before us for which you are a witness, is about the powers of direction that the Secretary of State is planning to take. Is that not the case, Sir Martin?

Sir Martin Narey: Yes it is, but the Government have made it clear that the powers of direction will not be used unless local authorities do not move. Local authorities are actively doing that.

Q109 Steve McCabe: Sir Martin, that may be the case. The point I am making is that you cannot say that the legislation creates this permissive environment. The legislation is to give the Minister powers of direction. Your desire in what he is telling people externally may be what you are describing, but the legislation is about giving him powers of direction.

Sir Martin Narey: I understand that.

Steve McCabe: Thank you.

Q110 The Chair: Dr Homden, I think you were about to answer the question before we went to vote.

Carol Homden: In establishing regional entities, which Coram has already done, local authorities have taken a range of different views in what will best meet their needs, and have used a procurement and contract process in order to align those needs. Different local authorities will apply different modules and commission different services.

We have in process the formation of such an entity with a set of five local authorities, which will see those different approaches taken, but all of them will benefit from a centre of expertise with resilience in practice leadership and social work retention and, therefore, offering added benefits to children and adopters locally on a hub-and-spokes model. You are quite correct, Mr McCabe, that this is about taking a power, but I am sure that good sense would prevail: if excellence in practice is being delivered and something is not broken, then it does not need to be mended, irrespective of questions of scale.

Annie Crombie: What we want is a local authority to look as widely and swiftly as possible for the best possible match for a child, and not to be constrained in doing that by looking only, or for a long time, introducing delay, within their own local authority area. We need to ensure that in moving towards regional adoption agencies we do not introduce a disincentive for local authorities to look outside a regional adoption agency if the right placement is outside rather than inside. It is that kind of issue that is again around that sequential decision making, which we need to ensure we address as the policy on this develops.

Q111 Bill Esterson (Sefton Central) (Lab): The relevant clause in the Bill talks only about adoption, but there other forms of permanence. In fact, for most children in care, the other forms of permanence are where they end

up. Do you have concerns that the measure will exacerbate an existing gap in the quality—or perceived quality, at least—of adoption and fostering, residential care and kinship care?

Sir Martin Narey: I do not take that view. I think the Government, certainly encouraged by me in my role of the past few years, are encouraging adoption because adoption happens to be the disposal that has been in such long-term decline. I am puzzled when people talk about the emphasis being given to adoption, as opposed to other disposals. The number of special guardianships, from a zero start in 2006, has now caught up with adoption. There were 5,000 adoptions last year and 75,000 fostering placements.

Adoption has been in long-term decline, despite some spirited attempts to revive it by the Labour Government, who inherited figures of about 2,000 adoptions and got them up to about 3,700. The figures then immediately fell away again. This Government have brought great leadership to it and have got the numbers up to about 5,000. In 1975, there were 24,000 adoptions a year in England. Adoption has been in long-term decline, despite the evidence that it offers quite extraordinary advantages in terms of permanence and outcomes for children.

Despite all the difficulties that adoption can present, it offers quite extraordinary options for changing the lives of neglected children. Even after the recent slowdown in placement orders, we still have children waiting for adoption who need it as soon as possible. We are right to try to make sure that we have a system that is more fit for purpose and can fill that gap.

Q112 Bill Esterson: Before I come to Dr Homden and Annie Crombie, is there anything in the Bill that will help children who are placed through other forms of permanence?

Sir Martin Narey: There is nothing in the Bill that will do that. I believe, however, that the emphasis on adoption has had significant advantages for other forms of placement. The emphasis on responding to neglect means that the Government have done other things to make long-term fostering easier—the development of and financial investment in special guardianship. A lot more has happened in dealing with neglect and adoption, but adoption is still not meeting the role it could play in responding to neglect.

Carol Homden: I agree with that. Adoption is not in conflict with other forms of permanence. It is an exemplar of when the care system works correctly for children for whom the risks are so great that the decision has been taken, by due process, that they need to be placed in a new, loving family. We need to guard against putting up different forms of solution for children as if they are somehow in conflict with one another. We need to aspire to ensure that the appropriate decision making is in the timescale of the child, and that children's need for continuity of relationships and attachments is foregrounded in all those decisions and in the actuality of practice.

All too often, children from the care system report repeated changes in social worker and in placement. That is where our attention should sit, but the Bill focuses on seeking to accelerate and accentuate a direction of travel to ensure the maximum benefit for children for whom adoption is the right plan. I commend to you a further focus and emphasis on the benefits of concurrent

planning and foster-to-adopt approaches—particularly concurrent planning, which offers a fully fair, appropriate and transparent way to foreground children’s need for attachment, while allowing all proper support and opportunities for birth parents to demonstrate their capability to change.

Q113 Bill Esterson: As far as you are concerned, will the Bill’s provisions help with the challenges you have outlined?

Carol Homden: It certainly will. It is not possible for very small agencies, however noble their intent, to provide sufficient opportunities for concurrent planning, which is a specialist form—for example, within a very small social work team. Having a larger base of resilient social work will allow that kind of opportunity to become normalised for more children.

For example, in the establishment of Coram Cambridgeshire Adoption—the first voluntary adoption agency into which Cambridgeshire County Council has delegated its adoption functions—we simultaneously introduced concurrent planning. Twenty-five per cent. of adoption placements in Cambridgeshire were made through concurrent planning last year, with significant benefits for the timeliness and for those children’s attachments.

Q114 Bill Esterson: Will the Bill help with children who are sometimes regarded as hard to place—sibling groups or children with disabilities, for example?

Carol Homden: In my view, absolutely; definitely. Those are the circumstances in which the principle that Annie indicated—the principle of having the widest possible range of adopters and specialist services available to provide the necessary ongoing, reliable and consistent post-adoption support—is more likely to be resiliently achieved within a larger grouping of agencies that have a common purpose.

Annie Crombie: I agree with much of that. The point about scale and the specialism of adoption services is important. If regional adoption agencies work well, it could allow agencies that really specialise, or develop specialist expertise—such as some that I represent—to offer their services in a much more structured way across a wider number of local authorities, rather than it being a question of an individual relationship or a happy coming-together in the margins of a conference with a local authority making an arrangement with a particular voluntary adoption agency that has a specialism in a particular type of work. We could see those sorts of services being made available in a more systematised and structured way, which would benefit more children.

To come to the earlier point that you made, I welcome the way that the Government document published to support this opens the door to arrangements that go wider than adoption. Many of the voluntary organisations that work in this area provide services across more than just adoption; some do not, some are very adoption-focused, but many do. It may well make sense to think more broadly than just adoption, but there is something about specialism here that is important, and which I think we all want to see developed in relation to some aspects of adoption.

Q115 Mrs Emma Lewell-Buck (South Shields) (Lab): Good afternoon. My question is to everyone in turn. The Bill states that an authority’s functions may be

taken on by either another local authority or another adoption agency but there is nothing to say which criteria the Secretary of State will choose for the preferred option. I was wondering whether the panel could help out the Secretary of State and suggest what kind of criteria she might use.

Annie Crombie: I do not imagine that the Secretary of State would disagree that it is really important that quality should be at the heart of any regional adoption agency and that we need to think about expertise in the different elements of what is needed to be able to provide a good adoption service. If a group of local adoption authorities without any particular strength in low incidence adoption support—without any specialism in particular provision of therapeutic services—were to come together, it would not provide a strong service for children in the area. If they include someone with a specialism or real, and proven, expertise in adoption support, then that would be much better. So it is about quality across all the different elements of what an adoption service needs to do.

Carol Homden: Quite clearly, excellence for children is what needs to drive us. That is our sole focus and concern. Therefore, in making any decisions on intervention, I think that the Government would wish to consider the criteria that it applies in other circumstances where there is a shortfall against national standards. In considering how we might take forward regional adoption agencies we, as an organisation that already provides regional adoption agencies, have given considerable thought to this and would recommend including six key criteria that should be taken into account—we would be prepared to give written evidence of those recommendations.

The first is that bringing weak things together does not in itself make a strong thing. Any hub should therefore include at least one agency, as the lead, that is rated either good or outstanding. The aim must be to replicate good practice, not to concentrate less good practice. Steps should be taken to ensure that not all the agencies forming the arrangement are characterised by a high turnover in social work staff, since relationship continuity is essential to the support of adopters and children and effective planning. Data collection and case-tracking systems are directly related to performance management and should be robust in at least one agency. There is considerable complexity in the different systems used by local authorities and the more of them that are involved in any regional agency, the more complexity and difficulty there is in managing risk and optimising outcomes. The definition of a cluster should relate to road transport and not to the other forms of consideration around what might constitute a region. The important factor here, as it is for a special school, would be the travel distance involved for adopters and children to access the services that they need.

Any hub should explain how it will build upon the cross-regional system support that is already provided in our nation. This includes, for example, First4Adoption, which has demonstrated the benefits of consistent customer service and could do far more on a cross-national basis. Every hub should undertake a market risk assessment if it is excluding any voluntary adoption agency, since more than 90% of voluntary adoption agencies are good or outstanding. Any loss of that excellence in the system could only be a disbenefit to children.

Sir Martin Narey: I will not give you six criteria but just one. I have not given much thought to the criteria for how this will be used, because I genuinely believe that there will be a significant move towards regionalisation, which will occur of its own volition. This was poised to happen before the election. For me, the overwhelming criterion when we look at adoption—or indeed other forms of permanence—is how quickly we rescue a child from neglect and put them into a home in which permanence is achieved, and where the reparative work can begin.

We have made great strides with recruitment, but matching still takes far too long. The main criterion for me is how quickly we can improve the process of matching and achieve greater pragmatism in matching. Matching between adopters and children sometimes takes too long as we search for the mythical set of perfect parents, but the sooner we get children into permanent homes, the sooner and more complete will be their recovery from the desperately adverse consequences of being brought up in neglect.

Q116 Mrs Lewell-Buck: I understand that different local authorities and different areas might have different approaches, but do the members of the panel agree that it is important for the local authorities and agencies that are affected by this that there should be some kind of criteria in place? I think that Dr Homden and Annie Crombie agree, but Sir Martin does not.

Sir Martin Narey: No, I think that if these powers have to be used, then of course there will have to be some criteria. I have not yet had any discussions with either the Secretary of State or the Minister of State on what the criteria will be, because I think it is unlikely that these powers will have to be used other than very rarely. My sense from going around England and speaking to directors of children's services is that they are keen to do this, because they will be able to do better at the job of adoption and particularly of matching and—given that improvements usually cost money—it will save them some money as well.

Q117 Caroline Nokes (Romsey and Southampton North) (Con): I wanted to pick up on something that Dr Homden said, with which I will not disagree. She referred to looking at road transport as the means of establishing a hub. Presumably you have already given consideration to island regions where road transport is not possible, Dr Homden?

Carol Homden: Quite clearly, there are specific circumstances which will need to be carefully considered, affecting the regional and also the metropolitan areas as well as island areas. These are complicated matters, and there may be a very good reason why the Minister would wish to consider whether or not it would be appropriate to seek a particular form of involvement in a region. It may be that partnership in a much larger geography is more practical, or more meaningful in terms of access to the services that a particular area needs; I completely acknowledge that point. However, for the majority of places, these practical considerations will be ones that involve road transport links.

Q118 Louise Haigh (Sheffield, Heeley) (Lab): Annie, you mentioned the inter-agency barriers that still exist. Could you confirm that the Bill actually does nothing to address any of those barriers other than creating

bigger agencies? Secondly, to the whole panel, do you think that this will actually restrict choice for adopters in terms of agencies at a local level?

Annie Crombie: On the inter-agency point, the policy around regional adoption agencies would bring together a number of local authorities. At the moment, if a local authority purchases an adopter from another local authority or from a voluntary adoption agency, it pays for that adoptive placement. It pays the same amount whether it is to a local authority or a voluntary adoption agency. That levelling of the amount paid is an achievement of fairly recent years, and it has meant a great deal in terms of sustaining the participation of the voluntary sector. It cannot afford to do the work it does unless it gets paid a fair price. That has also been an achievement because it has ensured that local authorities would not look more favourably on another local authority placement just because it was cheaper, and genuinely think about which is best for the children.

A regional adoption agency—while it has reasonably not yet been worked out what that would look like—will probably change the way in which money changes hands when a child is placed from one local authority with an adopter. It might mean being placed elsewhere with an adoptive parent approved by a different part of the region. It might mean there is a single adopter, approver and recruitment arm in a regional adoption agency and so all of those adopters feel free to you. That could be a really good thing because there will be a much bigger pool and there will not be any financial barriers stopping the placement of a child with a particular adopter. The risk for the voluntary sector is that if it is not part of that, suddenly the cost drivers change and the placement feels very expensive again. That is why it is so important that we think about how the voluntary agencies can continue to be part of the landscape and part of the regional agencies.

Carol Homden: On your point about choice, there are some areas, with reference to the previous question, where in practice there is no choice. There is a local authority agency and I'm sure it works in the full best interests to meet the needs of those adopters, but generally, choice is a positive thing in any system. It tends to drive quality and, in a digital era where, for example, people can search for information on adoption first, they are better able to make a judgment and to find an agency with which they feel comfortable. An adopter is making a life-changing, lifelong decision. They need to have full confidence and trust in the particular social worker or group of social workers that they are working with. It is a risk to us if this reform process leads to a reduction in choice across boundaries, particularly given that there is generally a much higher level of engagement from and satisfaction of adopters from the first call to voluntary adoption agencies, which deepens through the process, including with post-adoption support. The point needs to be about protecting equality and choice in whatever arrangements we make.

Sir Martin Narey: The only thing that I would like to add is that the really important choice element in adoption is the choice of child. These arrangements will significantly increase the choice of children for adopters. At the moment, if a prospective adopter is unlucky enough to be living in one of the 20 local authorities that dealt with fewer than 20 adoptions last year or in a local authority where there are already many more adopters

than children, it will be very difficult to get a child. The future is finding the best parents for adopted children, wherever they are. You are taking evidence later from Adoption Link. I think that is an incredibly good initiative, which is opening up the prospect of searching beyond regions to find the very best possible adopters. I am sure this will improve adopter choice significantly.

Q119 The Minister for Children and Families (Edward Timpson): Carol very helpfully set out some guiding principles on what should underpin the development of regional adoption agencies to make sure that they are driving the excellence that we want to see, as we have set out in our “Regionalising adoption” paper. Could you also say what the risks are of the Secretary of State being overly prescriptive through a direction about what that regional adoption agency should look like, given that we are hoping and expecting this to come from the bottom up on a local level rather than be dictated from the centre?

Sir Martin Narey: The reason that I counselled you and your predecessor Tim Loughton against making structural arrangements to further recruitment is that I thought it would result in you, your officials and me being absorbed in nothing else for two or three years. We would just be managing the incredibly complex business of using new structures. That is why I hope that you do not have to use this direction very much at all. If you do, there will be a very great risk that it diverts us from the more important task of making sure that we are getting children from neglect and into adoptive homes as fast as possible. I am confident that you will not have to use this power very much, but if you do, it will be a significant risk. If we have to design top-down structures for regions across England, it will divert us from the more important task.

Carol Homden: I would agree with that. This is a direction of travel where all agencies are motivated by one key thing, which is trying to improve the outcomes for children, but we also need to recognise that it can be challenging to apply that best practice. If the risk is that, due to the direction from above, you have the unwilling working with the unwilling, it will not necessarily lead to a positive outcome. We need to design these approaches based on a clear diagnosis of the problem to be solved locally. We need to enable organisations to come together in ways that address those problems, as opposed to having one size fits all or an obvious type of solution. That is why I drew attention to a hub-and-spoke model, as opposed to, for example, an area that is contiguous, because of the issues that were raised earlier around children needing to be placed in circumstances where they are and can be safe. We also need to draw upon specific, specialist expertise, as Annie said. The risk would be that it might be gotten wrong unless the diagnostic approach is taken to identify how local problems will be particularly addressed.

Annie Crombie: All I would like to add is that, where we see arrangements working well now—there are some excellent examples of partnership working in adoption—they are based on trust and strong relationships. If we impose such arrangements, we will not be able to take account of those sorts of things that can develop so well at local level organically. It is important that we allow people in organisations to build on those partnerships and have that dialogue at this point, leading into the development of regional agencies.

The Chair: We have time for just one more question, and then we will have to wind up and move on to the next session.

Q120 Steve McCabe: You said that these powers will not be used. If they are, should the people affected have a right to challenge any decisions made by the Minister? Is there anything about these proposals that you would do differently? One word and one sentence will suffice.

Sir Martin Narey: I don’t know.

Carol Homden: I don’t know, either. The criteria need to be clear in any system that is designed for optimal effectiveness.

Annie Crombie: The thing that we need to make sure that we do well is to have dialogue between all the different partners involved in the adoption system early on, so that we do not inadvertently design systems that do not make the very best of the expertise that we have out there.

The Chair: Sir Martin, Dr Homden and Ms Crombie, thank you very much for your participation. We are very grateful. We will now move on to the next session.

Examination of Witnesses

Andy Leary-May and Hugh Thornbery gave evidence.

3.10 pm

Q121 The Chair: Mr Thornbery and Mr Leary-May, we will ask you to present a background of yourselves to Committee members, who will then ask you questions. We apologise for the earlier delay, which was due to votes in the House. Your session should continue until approximately 3.40 pm. Mr Thornbery, would you like to make your presentation?

Hugh Thornbery: Thank you, Sir Alan, and thank you for inviting me to give oral evidence on the Education and Adoption Bill. I am chief executive of Adoption UK, which is a membership organisation for adopted families. Our purpose is to support those families, to campaign and lobby for change and to inform and educate both the general public and professionals in relation to the needs of children adopted from care and of their families in parenting those children. We have a membership of over 11,000 individual members and most adoption agencies in the UK are also members. On such matters, we draw our position from what our membership tells us on a daily basis, both through our individual contact with it and from surveys and research.

Prior to joining Adoption UK in October 2012, I was employed by Action for Children for 15 years. Part of my responsibilities there were for the adoption and fostering services within that charity. I have been involved in children and social care since the late 1970s.

Andy Leary-May: Thank you for inviting me. I am an adoptive parent, and my first experience of adoption was about nine years ago. I have run an adoption support charity for most of the intervening years. More recently, myself and colleagues who were more experienced in IT than I was started to look at the barriers that exist to inter-agency matching and the barriers to children finding the most suitable placements in adoption. We consider one of those barriers to be the lack of an effective and efficient way of exchanging information between agencies or between consortia of agencies.

We felt that in this day and age there is no reason for that to be a barrier, given that in most other walks of life effective ways are created online to enable that kind of activity. Therefore, we developed Adoption Link, which is being used by over 80% of local authorities in England. So far, it has matched over 250 children with families, and it is also finding placements in all four nations in the UK, which is significant.

Q122 Steve McCabe: We are frequently told that these proposals are designed to address the problem of the 3,000 or so children who are languishing in the system and could and should be adopted. Where does that figure come from, and is it accurate?

Hugh Thornbery: Shall I answer that question first? First, the number of children waiting is declining. That is probably good news, if those children are being found families; but it is certainly so that too many children still wait and wait too long. We also have the issue of the number of children subject to reversal decisions, who start off with a plan for adoption but for whom the plan changes, often because the right family cannot be found. That amounted to 1,450 children last year. In terms of the accuracy of that figure, it comes from the quarterly local authority returns and the voluntary agency returns that come to the Adoption Leadership Board. There is a 100% return, which I see as a member of the board, so we must trust that the information being provided is correct. However, it does not seem to fit with the number of children who are being promoted for placement, both through the national adoption register and other matching agencies such as Adoption Link or my own service, Children Who Wait, which Adoption UK runs. Although there is a question mark about those figures, however, it is definitely so that too many children are waiting too long—hence the determination of the previous and current Governments to do something about that.

Andy Leary-May: There is either a question mark about the figure itself or about just what the local authorities who have those children are doing for them at the moment. As a best-case scenario, 1,000 children are currently either on the adoption register or on Adoption Link that I run, which is only a third of the children that are waiting. So there is a question about whether it is the accuracy of the figure or not. I am not sure.

Q123 Steve McCabe: I do not know whether you heard the earlier evidence, but we were told that voluntary adoption agencies consistently achieve better inspection ratings than local authorities. Do you have any concerns that voluntary adoption agencies could be marginalised by these proposals?

Hugh Thornbery: I do have a concern. It is definitely the case, if one generalises, that the voluntary adoption sector demonstrates a higher level of quality across the sector than local authorities are able to achieve. That does not take away from the fact that some local authorities do exceptionally well. We have heard, as part of the justification for the clauses in the Bill, that some agencies are too small. The first point I would like to make is that there is no necessary direct correlation between quality and size, and it would be tragic if we lost some of the real expertise that exists within some of the smaller voluntary adoption agencies, which focus particularly on trying to find the right family for some of the hardest-to-place children.

Because my organisation is UK-wide, I have been involved in developments in Wales that have led to a national adoption service and the development of five regional agencies, rather than 22 individual local authorities doing adoption. It has been our experience there that the voluntary agencies were left on the margins of that change process and found it very hard to have a say, despite the fact that they were delivering high quality and were placing about 20% of the children placed each year. So that risk does exist. The proposals set out in the Bill do nothing to reassure me, necessarily, that we will not lose some highly efficient and effective voluntary agencies as a casualty of this.

Andy Leary-May: Yes, I would urge caution as well. There are a lot of things that are working well in adoption, and if the powers in the Bill are used, we should be very careful not to lose some of those things. They include the work that goes on in voluntary adoption agencies and the skills and specialisms that exist within them.

Q124 James Berry (Kingston and Surbiton) (Con): How can we avoid voluntary adoption agencies being marginalised? You have both said that that is a risk.

Hugh Thornbery: I think one of the things that mitigates that risk is the investment that the previous Government and this Government are making in the capacity building of the voluntary sector. This comes at a very difficult time for the voluntary sector, with the steep decline in the number of children, which creates incoming cash-flow difficulties for voluntary agencies. So there are other challenges for the voluntary sector at the moment, as well as impending regionalisation.

The other way of dealing with this goes back to some of the questions and answers I heard in earlier evidence around the criteria used in determining what direction should take place if the need arises for the Secretary of State to direct. Prior to that, it would be very helpful if the Department were able to find a more bottom-up, locally driven approach. That is not, I think, something for legislation, but perhaps for guidance, to strengthen the role of the voluntary sector in the discussions and developments that take place at a local level. That happens exceedingly well already in some regions. I was in Yorkshire and Humberside the other day for a meeting at which all the voluntary adoption agencies had been pulled together by the consortia. It happens far less well in other areas. The risk is not across the board but particularly in some areas of the country, where there is perhaps no culture of engaging the voluntary sector.

Q125 James Berry: So your concerns are capable of being dealt with within the framework proposed here?

Hugh Thornbery: There is nothing in the legislation that would deal with my concerns. It is a matter of what else there is. There is encouragement, clearly, in the paper that the Government have produced, “Regionalising adoption”. There are examples of where the voluntary sector has achieved some success—Coram is a good example—but it is too weak at the moment, and I think my colleagues in voluntary adoption agencies are feeling really quite anxious about the next year or two, compounded by their current difficulties with the fall in the number of children.

Andy Leary-May: I do not really have an answer as to how that risk could be mitigated—I think it ought to be. I certainly think that what this is trying to fix should be

made clear. I agree that there should not be too much detail on how it is achieved, but what we are trying to achieve and what problems we are trying to fix should be made clear.

Q126 Mrs Lewell-Buck: Good afternoon. As you are aware, adoption is only proposed for a child after all other avenues have been explored. Do you think that some of the money that the Government spend on these reforms might be better spent in social work teams, so that they could assess quicker and rule out or rule in family members before they get to the plan for adoption?

Hugh Thornbery: I do not have a particularly strong view. We are clearly in a time when pressure on public expenditure is very severe. The adoption system has two parts to it. It has the part where the assessment of children and the assessment of different options available within the children's teams take place. Then there are the specialist adoption workers, family finding, supporting with matching and post-placement support.

I think it is entirely right that there has been investment in the areas where it is required within the specialist adoption sector. We still feel that not enough is being done to support adoptive families, but we have seen very good developments such as the adoption support fund and the pupil premium. It is right that money is being spent there because many of those families have been in crisis.

I think there is the opportunity within the proposals, particularly as set out in the Government's paper, to consider how one might move from adoption agencies coming together to agencies that are not able to deal with a broader range of the aspects of permanence. I think we have some failings in the system at the moment in terms of being able quickly and accurately to assess what options are available and moving as quickly as possible to the right decision, whether that is adoption or some other pathway to permanence.

Andy Leary-May: Yes, I do think that the Bill misses an opportunity to focus on the other routes to permanence and to address that. To answer the question specifically, I think we should spend money on both. Given how incredibly important it is to invest in the future of these vulnerable children and given the benefits to society financially and otherwise, I would say spend money on both.

Q127 Mrs Trevelyan: You mentioned in your written submission that this may prove more difficult for children with complex needs, although it might be successful for children who are less needy. Could you expand on why you think that is the case?

Andy Leary-May: Yes, it is based on some anecdotal evidence, but also on the study that the DFE commissioned in 2010, which is referred to in the briefing paper on this. It points to the fact that, as the study found, some local authorities—some agencies—wait too long to look widely for a match for children. It is quite right that that causes harm. It also specifically pointed out that the larger local authorities were the worst at this. From talking to agencies in my role, I see that there is a tendency for the larger local authorities to feel so self-sufficient in their own supply of adopters that they feel there is less need to look outside for placements.

If you accept the fact that interagency placement is not working, and you do not try to address that problem, in some ways increasing the scale of the agencies would

help, because there would be a larger pool. Our service has only been running for a year and we have only matched just over 250 children, but our experience is that half the placements that have been made—and these tend to be the harder-to-place children that we see—are between neighbouring regions. That indicates to me that there are children for whom it is necessary to go outside their region to find the right placement—the right family. I worry that if we increase the scale of agencies, and I think there could be many benefits to consolidating and increasing their size, unless we address the problems that exist—the barriers to inter-agency matching—the children with the most complex needs may wait longer to find a suitable placement.

Q128 Bill Esterson: You said earlier that you wanted to clarify what the problems are that the Bill is addressing. You mentioned issues around children with complex needs; is that the primary one or are there others?

Andy Leary-May: Not defined by who it is trying to help, necessarily, but I think it would be helpful if, rather than looking at the number of adoptions, for example, there were measures looking at the outcomes for the children, if at all possible, and some measure of how agencies may already be collaborating together. We did a quick survey last week of the adoption social workers using our system, and by far the majority of them commented that they felt that they were already collaborating as well as they possibly could. That is not necessarily true in all cases, but I think the possibility that there may be a group of agencies doing everything that you would hope that they would be doing should be looked at. There should be something that would help local authorities and agencies to know if they are doing as well as expected.

Q129 Bill Esterson: Okay. In the last session, I think we heard the suggestion that the Bill will help with other forms of permanence, so even though it concentrates just on adoption, it will help with fostering, residential care and kinship care. Do you both agree?

Andy Leary-May: For me, not to the extent that I think it could. There are still issues in adoption with children finding the most suitable placements, and they are barriers that will probably not be solved by increasing the scale of agencies. Whatever barriers and organisational issues there are within adoption, the same issues are within fostering, and to a much greater extent and affecting far more children. I do not think that we should look at one or the other. It should not be a competition between them as to which gets the focus; not to address the same kinds of issues that exist within fostering would miss a very large part of the picture.

Hugh Thornbery: The Bill itself does not tackle any issues beyond changing the infrastructure that delivers adoption. Very helpfully, and I think this has been a development in terms of Government thinking, the discussion paper, which is what we are hoping will initiate a bottom-up-led approach to this, talks about the potential to move beyond the narrow confines of adoption and think more broadly about permanence. If local areas, in thinking about taking a regional approach, were to exclude too early the broadening out to other forms of permanence, that would be a real mistake.

We have seen over the past 12 months or so, a significant decline in the number of children coming into the adoption system and a big increase in younger

children going to special guardianship. That informs us that we are working in an environment where pathways towards permanence can be unpredictable. We have seen significant changes recently, and I think that if we had put a lot of effort into setting up regional arrangements just around adoption, we would be missing a trick. My view is that the opportunity is there at a local level to broaden this out. That would be the right thing to do. I also think that it is right to continue to improve the adoption system. As you heard from Sir Martin Narey, adoption can do things that other forms of permanence cannot in providing total long-term security and continuity for children. We know that the outcomes for those children are better than if they stay elsewhere.

Q130 Bill Esterson: Do you think the Bill helps with or hinders other forms of permanence?

Hugh Thornbery: Looking at the legislation, I think it forces people to think about adoption, but it does not necessarily hinder the development of a broader approach to permanence. I say elsewhere that the Government are encouraging that in the paper they produced. It is quite difficult to think about how the same degree of direction as is contained within the clauses of the Bill could be applied to wider permanence. I think it is easier to focus that direction on a document. Whether that is the right thing or not is questionable.

Andy Leary-May: Could I add that local authorities that have decided to treat permanence holistically have already created permanence teams? For those local authorities, if they are required to form an adoption service jointly with others, that may create a separation.

Q131 Mrs Flick Drummond (Portsmouth South) (Con): How do you think the local authorities will work in this regional way? Will it mean that they work better with and have better relationships with voluntary organisations?

Hugh Thornbery: The opportunity is there for better relationships because we will change the way that things are done at the moment. As I said earlier, there are varying degrees of willingness to work with the voluntary sector in different parts of the country. Local authorities and regions have different cultural approaches. I would hope that every region would be carefully considering who the potential constituent parts of a regional or sub-regional approach could be and fully involving them from the beginning.

The other critical thing, which I have not heard discussed at all and is mostly missing from everything that I read, is what adopters think about this. Inevitably, I would say this, representing so many adopters through our membership: what really struck me during Adoption UK, having had previous experience with adoption, is just how often I heard complaints about being ignored, not listened to or done unto. There is a risk of missing the opportunity of involving adoptive families, who are the ones who can tell us, from the best possible position, what is required, what good would look like, what does not work well at the moment and what would improve the quality in the future.

Andy Leary-May: On the point of what adopters think about it, which is very valid, we did a quick survey last week of the adopters using our system. About 600 responded. There was a lot more optimism for the changes that could be brought about through regional agencies among adopters than the social workers that

responded to the survey. Due to the current issues within adoption, for adopters, a lot of whom have been waiting for a very long time and are desperate to find a family, there may be some sense of feeling that anything will create an improvement compared to where they are now.

I hark back to a point a little while ago about choice for adopters; that was a concern that I had and asked the people using our system about. It was interesting that 40% of the respondents said that, at some point, they had had cause to consider changing agency because of the experience that they were having. The ability to look to a different agency is important. If we lose that, we need to be careful that there is still some recourse for adopters at any point in their process if they feel that they are not being treated well.

Q132 Mrs Drummond: Going on to adopters, what do you think about the support for them? Are you quite happy that there will be enough support for the child and the adoptive parents if people are adopting from another region quite a long way away?

Hugh Thornbery: All the evidence we have is that support is patchy, inconsistent and, overall, not good enough. Julie Selwyn's excellent research, "Beyond the Adoption Order", which was published last year, highlighted for all of us the fact that, while adoption is generally a very good thing for children, too many families are struggling with extreme behavioural issues and the like.

The implementation of the adoption support fund has been an incredibly important step for what it provides, for adopters seeing the Government recognising that there was a need, which I do not think was properly recognised before and, as was mentioned previously, the pupil premium in schools. There is still some way to go, and I note with interest an amendment to the Bill that would aim to achieve a duty to provide. For my members, a duty on the local authorities to assess a child's needs on request then not translating into a duty to provide to meet those needs is still lacking. If addressed, that would help us, particularly with the matching of what we term "hard-to-place children", who we know will have long-term, enduring needs.

Opportunities are also missed and more could be done by way of education, which is the top topic raised with us by and discussed among members. I would have liked to have seen in the Bill the opportunity for extending the role of the virtual school and the virtual school head to include children adopted from care, as well as looked-after children. Some local authorities already do that voluntarily and it has been working extremely well, but we would like to see that extended. There is still a shortfall by way of support, although there have been significant improvements over the past couple of years.

Andy Leary-May: For me, support, more than matching, is probably the biggest area of potential improvement that agencies have in coming together and collaborating. We talked earlier about the barriers that exist to one agency placing a child with an adopter from elsewhere. One barrier is how the policy and practice and provision of support can vary between the different agencies. To the extent that a placement may happen within a larger regional area, if there were one agency that had a larger range of specialist services because it had come together and if those support services could be shared within a bigger area, that would be a positive change, but there

would still be the issue of the placements that happen in neighbouring regions and how support might be provided between those placements.

The Chair: Thank you very much. I will call the last Member to ask questions in a minute. What you are telling us is very informative, but can you be slightly more concise? We have very few minutes left.

Q133 Kevin Brennan (Cardiff West) (Lab): Thank you, Sir Alan. There is only one clause in the Bill about adoption. In theory, what should happen after this session is that we look at your evidence and then think of any further amendment or improvements that might be made to the Bill. Unfortunately, because clause 13 is being debated on Thursday, we are out of time for that, but the Chairs have indicated that they will look favourably on any amendments that we might submit, even at this late stage, before Thursday. Is there anything that you think should be added to the Bill to improve it by way of an amendment or new clause?

Hugh Thornbery: The two things that I have mentioned: the duty to provide adoption support on the basis of an assessment of need and the extension of virtual schools to cover children adopted from care as well as looked-after children.

Andy Leary-May: For me, it would be an extension of what the Bill focuses on to cover other forms of permanence. Also, is there any way to inject some degree of required caution about how the power might be used? Rather than having a blanket movement and assuming that it will create improvement in all areas, maybe it could start a little more cautiously and take it step by step.

Q134 Edward Timpson: In the Children and Families Act 2014, we took a backstop power in relation to the recruitment of adopters, so we could ensure that enough came forward who could be assessed and approved for the children still waiting to be placed for adoption. We have not had to use that power, and we have been successful in increasing recruitment by, I think, more than 27% in the past 18 months to two years.

This power widens it out to include matching and support, which we have discussed in this session. Based on the fact that there are already good working relationships between local authorities and consortia, which often include voluntary adoption agencies, and based on our statement on page 12 that, as we articulate in our paper “Regionalising adoption”, we need to harness the important role of voluntary adoption agencies in forming regional adoption agencies, how confident are you that in the next few years, through the work of the Department, yourselves and others with an interest in getting it right, we can ensure that we scale up services in all those areas so that we do not need to use the power on recruitment, as we have not yet had to do?

Hugh Thornbery: I am confident in the sector’s ability to improve. The examples that you have given have demonstrated that with the right degree of encouragement, and sometimes financial support, the system has been able to transform itself in terms of reducing delay, increasing the supply of adopters, improving adoption support and so on.

I think that there are systemic and cultural barriers to moving from those single entities working in partnership with each other to entities coming together

to form a new entity. There are issues of governance and accountability. I think that we have seen some progress toward consortia working well. The progress that has been made toward a more formal consolidation has, in most cases, got quite close to achieving it and then stepped back. We need to understand why that is happening. I think it has to do with some of those issues that I have just mentioned.

Andy Leary-May: Within matching, in some ways we are already there, in that a local authority’s ability to have visibility of available adopters is already there. That was why we built our system, and it is there. It is about the decisions made as to which placements they go for. I do not think that those problems will be solved by regionalising agencies and it is important that they are addressed. If there were regions that for whatever reason do not come together as a regional agency, those other problems would still need to be addressed. But in either case I think there will be problems.

I think it is important to remember that a local authority may be willing to look widely when it is looking for a match for children, but local authorities do often hold on to their adopters. They need to be making adopters available from the earliest point, because otherwise the pool of adopters will never be big. I think that could be changed in other ways.

The Chair: Mr Thornbery and Mr Leary-May, we are very grateful for the evidence that you have put forward to us today. We may be in touch again if anything crops up from that evidence or if we need something further. Thank you very much for your attendance. That concludes your participation.

Examination of Witnesses

Alison O’Sullivan, Anna Sharkey and Andy Elvin gave evidence.

3.41 pm

Q135 The Chair: Ms O’Sullivan, Ms Sharkey and Mr Elvin, we will allow you to present your CV to the Committee and then the Committee will have a variety of questions that it hopes you can answer.

Andy Elvin: Afternoon, all. I am Andy and I am a social worker by profession and background. I am chief executive of the Adolescent and Children’s Trust, TACT. We are a fostering and adoption agency who look after about 630 young people in foster care across England, Scotland and Wales and we make somewhere between 50 and 30 adoptions a year. Most of our adoptions are with black and minority ethnic adopters and with adoptions of sibling groups. I was a foster-parent in the United States during the 1990s, so I have seen this from both angles.

Anna Sharkey: I am Anna Sharkey, the chief executive of Adoption Focus. We have existed for the last six years, having come previously from Father Hudson’s Society, the Catholic adoption agency—we moved out and came out as a separate agency. I grew up in a family that fostered and adopted, so have also seen it from the other side.

Our central office is near Birmingham, so we are in the west midlands. We have three offices; we are based in Staffordshire and Oxfordshire as well as the west

midlands. We are part of the west midlands consortium, which comprises 14 local authorities and now three voluntary adoption agencies. I am chair of the west midlands consortium. I am also chair of the Midland Family Placement Group, which also includes the east midlands, and I am vice-chair of our adoption leadership board.

Interestingly, in terms of regionalisation, because Adoption Focus was a recipient of an expansion grant from the Department for Education we were able to become equal partners in Adoption in the Black Country, an existing sub-consortium of the west midlands consortium, where four local authorities—Walsall, Sandwell, Wolverhampton and Dudley—are working with us on joint recruitment, training and assessment of adopters, who are shared between the region. We were included to increase their sufficiency. Because we cover a wider geographical area, it is hoped that children can be placed also in the Staffordshire and Oxfordshire region, and that our adoption support provision can be utilised as well.

Alison O'Sullivan: Good afternoon. I am Alison O'Sullivan, the director for children's services in Kirklees in West Yorkshire. I am also the president of the Association of Directors of Children's Services, representing 152 directors of children's services across the country.

I began my working life as a social worker in the 1970s. I have worked in social services departments and in the health service. I was a director of social services in Bradford for four years and I have been the director in Kirklees since 2006.

Q136 Steve McCabe: Good afternoon. Do you have any views on governance and accountability for these new regional arrangements?

Alison O'Sullivan: You are looking at me. Would you like me to begin to answer? The points made by the previous speakers were quite important here. I think it is really important that we do not get entangled with governance. It will be necessary, as has happened with the existing collaborations that have already been formed, to be clear about where the responsibility sits and also how the necessary investment and funding of those arrangements is going to work. We have the experience of good arrangements that have worked for some time to learn from. It is really important, though, that we do not get bogged down in that.

Anna Sharkey: From our point of view, when we entered into the partnership with ABC—Adoption in the Black Country—we had to spend quite a lot of time looking at what their working agreement was because the four local authorities' legal status was very different from ours as a voluntary adoption agency. So we have a formal agreement that was drafted and agreed by the local authorities with us. Obviously, in terms of the governance from our board of trustees, their input is somewhat different from the responsibilities that local authorities have, but we have found a way to manage that.

Andy Elvin: The only thing that I would add is our experience of fostering arrangements where we are on contract tenders throughout the UK. There is sometimes a temptation for local authorities to return to try to vary the terms of tender, usually—in fact always—by lowering the price. That can be an issue for voluntary

agencies if they have agreed to provide services on adoption at a certain price and then it is returned to six months later to try to lower that price. That could be difficult, so I would want the contractual arrangements to be very clear.

Q137 Steve McCabe: Thank you. You have all got different experience of the issues of placing children. Do you recognise the problem of the harder-to-place children? Who in your judgment are harder-to-place children, and how will these proposals specifically help them?

Andy Elvin: I am very wary of labelling children as harder to place. Generally, it is not that children are harder to place; it is that we as a state have failed them at some point. There are far too many children who undergo multiple placements, and there really is no excuse for that. Often first placements are made in an emergency; it can happen when you do not know the family or late on Thursday and you go with the carers that you can find.

When you are into the second and third placements, there is no excuse for not getting that placement right. It is children who are labelled harder to place who tend to be in their fifth, sixth, seventh placement. It is not their fault. They have given up on making relationships with adults, which makes them very difficult to care for, no matter how skilled the carers. My worry about this move and this legislation generally is that it ignores that permanence for the vast majority of children who are looked after is not adoption. It is long-term fostering, it is being looked after within the extended family and, for a certain number of children, it is residential care.

We cannot separate out permanence options, because providing long-term, stable, predictable families for children is what we should be doing. We should be getting permanence right earlier. If we start separating out and creating a hierarchy of permanence options, we are not going to serve the whole looked-after population well.

What we should really be legislating against is multiple placements. Real failure is failing to find good placements, and permanent placements, for children early. That does not just exist in adoption. The outcomes are just as good for children on SGOs—special guardianship orders—with extended family and for people in permanent, long-term foster care. We must not forget that. The hierarchy that seems to be being pushed for is dangerous, and is very, very clearly objected to by children, particularly children in foster care, who are often made to feel second rate because they are not going forward to adoption.

Alison O'Sullivan: We know from experience that older children—those over the age of five, six, seven—can be quite hard to find the right family for. If it is in the interests of children to be placed with siblings, placing sibling groups can be challenging. And children with particular needs, either because they are traumatised or have special needs or learning difficulties—that combination of things can make it harder to find the right family. But certainly from a local authority point of view, we do think it is important to persist in trying to find placements for those children. It can take longer.

If the emphasis on making early and speedy decisions, which is absolutely right for the vast majority of children, were to deny those children the opportunity of a permanent family, it would be an unintended consequence. We are

making judgments in each individual case. For some children, we will try very hard for a longer period to find them a placement and that will be a great success. They will not necessarily be waiting in an unsatisfactory situation. They might already be with very caring foster-carers that they may have been with for some time, but their need is for permanence, and if it takes us 18 months to find them that permanent family—that forever family—that is what we will do.

Anna Sharkey: In terms of the experience that my family had, the fostering that was started in the late '60s was for pre-adoption babies. We would have two or three at a time for six weeks, then they would move to their adoptive parents. As we moved into the '70s, the children placed with my parents had more complex needs, and they are the types of children that we place for adoption. By “more complex” children, I mean older children, sibling groups, children who had experienced significant abuse and neglect, and children who were born drug withdrawing and with alcohol problems. Those were very different in terms of adoption outcomes, because the adopters that we had in the late '60s and early '70s were looking for those little babies who were going to be fairly straightforward, and the children became more complicated and more complex.

Our agency has always specialised in harder-to-place children, and that has been to do with the supply of children. Local authorities needing to place the relatively straightforward child do not need to come outside of their internal resource, so they will come to the voluntary sector to find their harder-to-place placements. The children that we place, predominantly, are over the age of four, are in sibling groups or have disabilities.

Of the placements that we have undertaken since we have been operating, we have had 68 single children, 45 sibling placements of two children, and five sibling groups of three. The youngest was six months old, but that was the youngest child in a sibling group. The oldest child we have placed was 10 years and two months. It is a wider range and they are children who bring with them many more complex needs than those very little people to start off with, which means that they have many more needs when it comes to the longer-term support for their adoptive families.

Q138 Bill Esterson: May I pick up on the point you were just making? What needs to happen to get more people to come forward as either adopters or foster-carers? Are there issues around education, awareness and being much more honest with people, or is something else needed to increase the number of people available?

Anna Sharkey: It is interesting that we have had an increase. There is the recruitment activity, which was very definitely promoted. First4Adoption was very involved in that—the education and highlighting options for people. The fact that a very different cohort of people is coming forward as potential adopters and foster carers has been significant.

In terms of bringing more people forward, the education challenge is about which children actually need placements, in comparison with where someone's starting point might be in terms of the type of family they thought they were going to be. That is the bigger challenge for adoption agencies and fostering agencies in managing the longer-term outcomes for those children. That stage becomes more of a challenge.

Alison O'Sullivan: It is important to help prospective adopters to have in view the kinds of support that are available. On the one hand, we should be being more direct about the sorts of needs that children requiring adoption may have. But in the same breath we need to be able to say, “And this is the kind of help that you could reasonably expect,” which will include financial support in some circumstances. It is important that we raise awareness but are also equipped to support those more complex children over a longer period of time.

Andy Elvin: I would echo that point about support. It is not just about recruiting carers; it is about keeping them. That is with foster-carers, doctors and those family members taking children on special guardianship. Far too often the support is not there—it is not there in a timely manner, it is not there in a non-judgmental manner—and that is what we need to get right. Our job is to support the placement. Sometimes the mistake is made of thinking that the child protection task is the main task. That is 10% of the work; 90% of the work is helping that child to recover from trauma and go on to have a successful adult life. Far too little support is given post the permanency placement order, whichever order that happens to be.

Q139 Bill Esterson: You mention the trauma—would you comment on the state of mental health services and support from child and adolescent mental health services?

Andy Elvin: The biggest complaint that we get from our foster carers, the No. 1 complaint, is the lack of support from CAMHS and from other related physical health services—late assessments, long waiting lists, lack of support in an appropriate manner, lack of support in their postcode or their region—that is usually the No. 1 complaint. No. 2 is generally poor information given by the placing authority, which does not flag up some of the issues that they find they are dealing with in their home 24/7.

Anna Sharkey: I would say that it is varied. We place children all over the country and it is different depending on where they are. Some CAMH services are very good, some are very overstretched, but there are also other services that are available for children. The adoption support fund is a really important development and how that pans out over the next few months will be very significant, and how those assessments work. One of the things that the Bill talks about is the responsibility for undertaking those assessments of need for children. Those need to be done so that adopters feel that they are being listened to. Certainly one of the most important messages that came out of the recent research about violence by children against their adopters was that adopters felt at last that somebody believed them and that they were being listened to. If that is something that is coming through, then the adoption support fund is significant and the different sorts of services that are available through it are important. That is what we need to be supporting—including how it is assessed at an early stage.

Alison O'Sullivan: I think that it is important that universal services are tuned into the needs of adoptive children and adoptive families. Mention was made by previous witnesses of the importance of support in school; raising awareness in schools for all adoptive children is important. The virtual school headteacher may have a role, quite a complicated one, and some

discussion will take place on how effective that might be, but mental health support for children and young people is critical. I am hopeful that the “Future in Mind” paper—

The Chair: Mrs O’Sullivan, can I ask you to raise your voice ever so slightly? It is not your fault; the acoustics are really bad in this room, as is well known to all the Members, and it would help us if you could speak up a little.

Alison O’Sullivan: I will speak up. The “Future in Mind” paper recently published about children and young people’s mental health and wellbeing services has a whole chapter devoted to recommendations to improve support to children with particular needs and it talks about adopted children. Arguably, some of the support that people might look to from the adoption support fund ought to be met through mainstream child and adolescent mental health services. If they are improved in the period to come then that will help.

Q140 Peter Kyle (Hove) (Lab): I have only one question. Andy, to follow up on a comment you made earlier, you described the failure to place, and powerfully described how that was not the fault of the child but the fault of the system. Who pays the price for failure, what agency pays the price—or does an agency pay the price for failure, as things stand? Will this Bill change that?

Andy Elvin: To take your second question first, no this Bill will not. Who pays the price? The child, first and foremost. The child pays the price through their blighted life. We then all, as society, pay the price because these are the young people who are in Feltham young offenders institution at this moment. They are the young people who are known to our mental health services. They are the young people who go on to become homeless, who do not have regular employment and who have chaotic lives. We are all paying the price, and the cost of that is far higher than investing in the young person when they are seven, eight, nine or 10 years old in a placement that will meet their needs and turn around their outcome so that they can achieve a life that is in line with the general population, which is all we can aim to do.

The reasons behind that are largely the way in which short-term funding rules the day in a local authority. On 31 March the world ends and it starts again in April—you are looking to save money in-year, whereas children have a pesky habit of growing older and carrying on until they are 18 and then 21 and just staying put. We really have to invest in the lifetime of the child. If we have to make a more expensive placement early on, yes, it may impact on the in-year budget, but over the course of the child’s lifetime—legislation is for the best interests of the child in their lifetime, not until financial year’s end—we will save an enormous amount of money.

The very welcome review by the Prison Reform Trust that Lord Laming will be leading will show again that the children who are more likely to offend are not children in care, but those who have had multiple placements and the associated disrupted education that goes with that. There really is no excuse for us to continue to have children in multiple placements. My concern is that the continued focus on one form of permanency ignores the other ones. We need to get it right for all 93,000 children in the care system across the UK, not just the 5,000 a year who go forward for adoption.

Q141 Peter Kyle: So if you were in the fortunate position that we are in of being able to table amendments to the Bill, or to add something to this legislation, what would it be?

Andy Elvin: I would replace the word “adoption” with “permanency”, in the first instance, at all points of the Bill, then focus far more on support. I would add a part that looked at placement disruptions and the number of placements as being a key indicator on which local authorities should be measured. It is that part of permanency that is key, because when a child is into their fourth, fifth or sixth placement that is when we begin to see really toxic outcomes. We do not need to go that long to get it right for children, because foster carers and adopters and relatives who are capable of holding and caring for that child are available if the right support is there for them post-permanency.

The other thing I would like to see the permanency teams do, and I would like to see either the local authority or regional permanency hubs do, is offer support in a non-judgmental way. If the grandparent looking after a child sticks their hand up after five years and says, “Secondary transfer has come around; we are really struggling now”, support is provided speedily and in a timely, non-judgmental fashion. Too often, families have to go back through the child protection groups, and it is just not acceptable.

Q142 Peter Kyle: I have other questions, but would the other witnesses like to comment on either the failure aspect or the contribution aspect?

Anna Sharkey: Obviously, what we are discussing is the adoption clause and the multiple placement changes in fostering. Having managed a fostering service for some time and knowing the sorts of complex areas being dealt with, I accept that adoption constitutes a very small proportion of the population of looked-after children, and it has had a huge amount of focus. There has been a lot of attention on adoption, but part of the reason is that the outcomes for adopted children tend to be good. The disruption rate is still very low. We know from Julie Selwyn’s research that there are families that clearly continue to have difficulties in their adoptive placements, but most of them hang on in there.

The outcomes for children are very good, and we know that the children involved will be those who have had the most trauma, because if they had not had the most trauma, more would be being done to try to maintain them in their family of origin. These are the ones where there is often absolutely no hope of achieving that within their family. Therefore, by definition, they are going to be the little people who have experienced the most difficult things. Adoption, by achieving what it does for them, is hugely significant. The fostering bit, and the whole role of public care, is another whole area and while I am not saying that it is muddying the water, I think it will get very complicated if we discuss it here.

Alison O’Sullivan: I would agree with the general direction of those comments. I have nothing to urge specifically for legislation, but perhaps for guidance and the manner of implementation. First, it is really helpful to have a spotlight on adoption, but we can do more than one thing at a time. We need to keep the spotlight on adoption, but also look more closely at permanency, as has been urged by the other witnesses—I absolutely agree with that. The second thing I would urge is that

we make real the spirit of local determination, because there will not be one solution. It is important that as we do that, we keep a very close eye, collaboratively, on the impacts on the whole system.

This is quite a volatile, fluid market in some places and having an overview of that and how we manage collaboratively the dynamics in that market will be key to its success. Otherwise, we will have unintended consequences in creating something strong in this bit of the system washing back into another bit of the system. That is not what any of us want. It will be an art rather than a science, but I think if we work collaboratively we can do that.

My third point would be to build on the arrangements for collaboration. We have local adoption boards coming into place. I have been visiting the regions over recent weeks, and the boards are starting to gain traction. Many of them are looking broadly at permanence. They are keeping their eye firmly on adoption but looking at it within that broader context. By tying those together with national oversight we will be able to keep in view the important dynamics in the system.

Q143 Kevin Brennan: It strikes me that given that improved quality of parenting, higher aspiration, more stability and a better voice for young people who are looked after in care should, as ever, be our principles, we should have had some young people giving evidence to our session today. It is all of our faults for not making sure that that happened, as it would have been useful. If there is any written evidence, we should take very close account of it.

While you are here, Alison, I wonder if I might ask you as a director of children's services who also has some responsibility for education—the Bill includes clauses on education—whether you think the regional schools commissioner in your area has the capacity to increase their oversight of schools as envisaged in the Bill, from 500 academies or so in your area to about 2,500 schools under their new responsibilities for issuing warning notices and, on top of that, having responsibility for dealing with coasting schools? Do you think they have the capacity to do that with a maximum of about seven staff?

Alison O'Sullivan: I do not imagine that the existing level of resource into that part of the system would be able to cope without some additional investment. It is not for the local authority to determine the support to the academy part of the system. What I would say is that there is an untapped resource of collaboration at a local level. If we look at the shared ambition that we have to drive up standards in all schools in all categories, we should be exploiting the potential to collaborate more closely across the wider system.

Q144 Kevin Brennan: On that point, do you think that DCSs should be members of the teacher advisory boards, given that they are now taking over responsibility around maintained schools as well?

Alison O'Sullivan: I think we need the right people in the room to have the right oversight of those systems on the right scale. There are some difficulties with geography which I think would bear examination: the oversight of the academy part of the system does not sit easily in terms of coterminous boundaries with other administrative boundaries. That creates complexity that we could perhaps

design out of the system to good effect. I personally feel that there is a great untapped resource of collaboration, because the expertise for improvement sits very largely within schools, but we need to be able to join that up across the whole of the system.

Q145 Kevin Brennan: Could I ask finally whether you think it will be necessary for the things contained in the Bill to be achieved on the school side for the staff to be transferred from local authorities to the regional schools commissioners?

Alison O'Sullivan: No, I do not think that structural change is the answer to those challenges. It is certainly something that could be considered but why would you put time and energy into structural change if you could achieve that without it?

Q146 Suella Fernandes (Fareham) (Con): The provision on adoption aims to try and solve the problem of long-term decline in adoption. At the moment, as we all know, it is happening at too small and too localised a scale. It is hoped that the attempt to regionalise agencies and bring them together will encourage agencies to cast their net more widely, reduce the problems of delay, and encourage local authorities to look outside their immediate local area. We have heard a lot about this today. One problem which has been cited is the reluctance of local authorities to place children outside a particular area. What appetite do you think there is for looking further afield geographically?

Anna Sharkey: I think that there is an appetite. Local authorities met the requirement to up the game when it came to recruitment, and they were very successful. Local authority social workers work hard to do the best they can for the children they are responsible for, and that is what they aim to do. There are difficulties in the system as it exists at the moment, and I think that, because clearly there are children waiting in the system. I have adopters who have been approved and are waiting—it is not happening. Adoption Link has achieved a huge amount by getting adopters much more involved in the adopter-led linking process, and that has been very positive.

There are some things that still prevent movement out of a local authority region. These are often to do with budget constraints, because local authorities are completely stuck financially. There is an historical sense that buying a placement from outside is very costly. Andy talked about children who sit in the care system and experience multiple placement moves, and who are then over-represented in mental ill health, the criminal justice system and underperformance at school. The cost to all of us of not getting it right at a much earlier stage is absolutely phenomenal, not least of which is the impact on that individual child and the rest of their family.

Getting it right is very important. At the moment the structure includes an inter-agency fee budget, an adoption budget, a fostering budget, a budget that does something else relating to supporting kinship care arrangements, and so on, which can make it very difficult to be child-focused, and to look at the best option in the most timely way to meet the needs of the child as soon as possible. Anything that tries to sort that out can only be a good thing.

I have some caution about the criteria on which that regionalisation would happen and how big a region would be. There is talk in the paper of it being around

the 200 mark in respect of children. We are dealing with a very personal aspect of public care, and adopters need to feel that the people they are working with know them individually. We want those children to be known individually by the social worker who is advocating on their behalf, so getting lost in numbers is a real concern. We also know that where people are stuck with chunks of money that do something or boundaries that do something else, or if social workers are not prepared to go outside because someone else is saying “We have run out of money” or “It has got to be in-house” or “We have a family coming through in four months’ time who might be okay”, that will build delay into the system. If we can improve that, it has got to be better.

Alison O’Sullivan: It is really important that we do not build new barriers. If we are widening the scope of the way in which people collaborate to make things more effective and more efficient, then we must not have another set of boundaries that are just on a slightly bigger scale. It is not only how we create those collaborative arrangements, but how they interface and interrelate with each other as we go forward. That is one aspect that will need to be managed.

Andy Elvin: I would go back a step regarding the decline of adoption numbers. If your measure of success is an increase in adoption, then you are asking the wrong questions. That is not what we are after; we are after an increase in permanence and an increase in better outcomes for children. As the adoption numbers have fallen slightly, we have seen special guardianship orders rise. SGOs, in particular those for children under five, are largely made to extended family members to care for their relatives. That was exactly why SGOs were introduced. It is not a bad thing that they are now being used where there used to be intra-family adoptions, because they take some of the heat out of that conflict between different generations of a family.

We have a group of experts which was set up by the Department for Education, which will start meeting to discuss the rise in special guardianships. It will also look at the appropriate use and the assessments behind SGOs. Until that finishes in the autumn, we do not really know what the story is behind the rise in special guardianship, particularly for the under-fives.

The other side is that there is a huge rise in surrogacy in this country that is completely unknown and completely unreported. People who used to come forward for adoption are choosing international surrogacy, because it is available and affordable and more assured in terms of getting a younger child—a baby—than adoption. There are all these threats to adoption out there, but simply taking adoption numbers as your measure of success is to look at entirely the wrong thing. It is outcomes for children as a whole that we are after, and success comes in many forms. I know many complex children we look after in long-term foster care who have absolutely fantastic outcomes.

Foster care does not stop at 18; it will not stop at 21, when they are staying put. Our foster parents are godparents to their foster children’s children; they give them away at their weddings. It very often lasts for life in the same way that adoption does.

The Chair: We still have a few more questions to come and we have very little time, so can I ask the contributors to be a bit more succinct in their answers?

Q147 Louise Haigh: In the written evidence, we were told that the best way to achieve permanence is with low staff turnover and support from the best and most appropriate workforce. Do you think those are accurate descriptions of the environment that local authorities and adoption agencies have found themselves in during the last few years?

Alison O’Sullivan: From a local authority point of view, the difficulties in attracting and retaining qualified social workers are fairly well known and documented, but adoption is an area of work that tends to see more stability in terms of workforce. That is certainly the case in the authorities with which I am familiar. We tend to have people staying for longer in that work and I agree that it helps to contribute towards the quality of the work done and also maintains ongoing relationships.

Q148 Louise Haigh: The British Association of Social Workers has said that the Bill will contribute to demoralising social workers. Do you agree?

Alison O’Sullivan: I cannot see how.

Anna Sharkey: I think retaining staff is very important. We have quite a secure staff group, but we have also done quite a lot of growth, which has been to do with the DFE expansion grant. That is significant, but we have a very definite system through which adopters are seen right the way through by the same social worker. That is because it is about building trust and rapport with the person whom you are going to trust with very personal information and about making you into the family you want to be. There has got to be that professional relationship, but that relationship also has to be with the child’s social worker, and that is often where there can be change and flux, because there is such turmoil in local authorities.

Andy Elvin: We have no problem in recruiting and retaining experienced social workers, although I must say that we recruit a lot from local authorities. I think there is a wider issue—probably not for here—about how many social workers there are in the system when permanence is achieved for a looked-after child. Do we really need a supervising social worker overseeing a fostering placement that is permanent and a looked-after children’s social worker also overseeing the said placement and an independent reviewing officer? Are there too many social workers looking at social workers doing their jobs and not enough actually doing the job?

Q149 Edward Timpson: Can I take us back to the clause in the Bill looking specifically at the point at which the permanence decision has been made and what flows thereafter for those for whom that decision is adoption? I have two points to underpin that. First, we are not proposing something new here. A lot of this already exists. Could you tell me where you have come across a consortium of either local authorities or voluntary adoption agencies and local authorities working together that has impressed you most and that does not happen to be your own?

Secondly, in relation to the specialist support services that we know many children who are adopted need, how is the regional agency adoption approach having a positive effect, where we are already starting to see it happen?

Andy Elvin: We are currently working with the north London adoption consortium and the east London adoption consortium—south London is a regular choice—on introducing something called VIPP-SD, a post-adoption therapeutic intervention that comes from the University of Leiden in Holland. It is used with all adopters in Holland. It is evidence based and tested at country level. We are introducing it with six authorities in London and with one just outside London. We found co-operation patchy, I would say.

We have got six authorities across two consortia; other authorities in the consortia have not signed up to it. That was disappointing, given that the DFE for the CVAA are essentially paying for all this. It is a free and evidence-based service. It is interesting how decisions are made in local authorities, but those that have engaged have engaged magnificently and really well, and got involved very much in the spirit of the intervention. It is going very successfully so far. Local authorities can work together; I do have examples of the contrary, but that is the same in all areas. I do not think children's services are peculiar in local authorities not working particularly well together.

Anna Sharkey: From my point of view, working in ABC has been really good, a very positive development. I know my local authority colleagues will say that one of the strengths has been that it came from the bottom up. It was local authority social work working together and deciding that was a more efficient way of working, so pooling resources in respect of recruitment and training activity, how we do information events and so on. The next stage, which is really exciting in terms of the pilots and so on, is about how we are making the linking activity work much more effectively, and also looking at post-adoption support provision.

I know one of the previous speakers talked about the importance of accessibility and the transport networks. People need to be able to access their social worker and support that is readily available for them and their children. There are all sorts of things that can happen as a consequence of this, but definitely the bottom-up bit has certainly helped.

Alison O'Sullivan: I will very briefly point to Warrington, Wirral and St Helens, established I think in 2011, because it is the sort of thing the Bill envisages and has been working well. It has improved the numbers and the speed of recruitment and matching. For many years, Yorkshire and Humber have also been running post-adoption support on a collaborative basis across the region.

Andy Elvin: Can I just add that I am on the board of Frontline social work? We hope to be moving into a new region in the north-east, and the attitude of the consortia of local authorities up there has been exemplary in the way that they are working together. It really is very impressive.

Edward Timpson: Glad to hear it.

Q150 Steve McCabe: I have heard what has been said about permanence but, given that this legislation is supposed to be about speeding up the adoption process, cutting out the delays and helping match children to families—that is what we are taking evidence on—is there anything missing from the legislation that we

should be taking on board and which would really make a difference to speeding up adoption and helping the matching process?

Andy Elvin: When you are in the court process and you have a CAFCASS guardian, you have a judge and everyone is represented, often delays are caused by availability of adoption panels and the panel process. I have often wondered about how much oversight is actually needed in terms of an adoption. There is a question about if you are overseen at a court process, you have an independent court witness in the guardian, and whether that could be looked at. I know working in local authorities that was often the cause of adoption delay; it was being unable to reach panel in a timely fashion to do with court deadlines. I think that is a more systemic problem that has been around for quite a long time.

Anna Sharkey: For me, the concern is thinking about how the financial situation would work. The levelling of the inter-agency fee meant that local authorities obviously charge each other the same amount of money as I charge them, so it was a recognition of the work that is done. If there are regionalised adoption agencies that are all part of that, my view is that the framework under which financial transactions happen is likely to change.

If that is the case, my concern would be that we do not have the same sort of framework as in the fostering arena, which you, Andy, have alluded to in terms of spending a huge amount of time trying to do tender documents and different arrangements, depending on who you are working with, which come back and do something later that was not necessarily intended. It is trying to work out what that would be.

Q151 Steve McCabe: How would you stop that happening?

Anna Sharkey: I suppose with some clarity about the funding arrangements for every aspect of the care process for children, so that we did not have the sectionalising of different parts of the process. For instance, if the provision of that bit of money has ended, you have a bit of a problem if you have to plan for a child who needs that service. It needs to be properly costed and sorted so that every party to the arrangement is funded to do it properly for the child and the adopters.

Alison O'Sullivan: The issue that I would shine a light on is not one that I think you would legislate for. It is about the professional confidence and competence of the social work decision-making process. I know that that is already in view in how the Government are working on the broader issues of care planning and decision making. This is a complex and delicate system, with professional and legal decision making involved and so many elements that it is important to have the right confident, strong and professional advice at lots of points.

The Chair: Mr Elvin, Ms Sharkey and Ms O'Sullivan, we are grateful for your participation. We will examine the evidence that you have given and deliberate on it. We may come back to you about that evidence or, indeed, we may ask you some more queries in the future. We wish you a safe journey home.

Examination of Witness

Russell Hobby gave evidence.

4.29 pm

Q152 The Chair: Mr Hobby, I am pleased that you have been able to come to give evidence to the Committee. May I ask you a couple of favours? First, before we open the question and answer period, would you present yourself and your CV? Secondly, because this is a terrible room for acoustics—you are not supposed to admit to things like that in Parliament, but it really is not very good at all—would you raise your voice a little bit? It would help the Members. We will not be in this room in future—you have been unfortunate, as we have, to land here today. Without further ado, will you present yourself to the Committee?

Russell Hobby: Good afternoon and thank you for inviting me to give evidence. I am Russell Hobby, general secretary of the National Association of Head Teachers. We represent 29,000 school leaders in all phases of education.

Q153 Kevin Brennan: Since time is very short and we do not have the pleasure of your company for long, can you tell us, as succinctly as possible, what you think about the Bill and what you would do to amend or improve it?

Russell Hobby: Okay. In a spirit of constructive criticism, the first issue is whether the Bill genuinely defines what we would normally regard as coasting schools. I think there is potential within the definition for some schools at the secondary level that we would normally regard as fitting the definition of coasting: those with affluent or privileged intakes who manage to achieve over the 60% hurdle but do not make adequate progress on that. It seems to me a better definition of schools that have been average for a long period of time rather than what we would normally define as coasting.

There is an issue in that we are already raising the performance standards while we are still waiting for new standards to be implemented. There is a risk of that being perceived by headteachers as more pressure being added to that. That is magnified by the fact that two of the years over which this is measured are retrospective—they have already delivered their performance for those two years. People complain a lot about not being able to predict what is around the corner in education and they also cannot predict what has happened in the past, to a degree, as a result of this.

We reckon that there are about 700 primary schools and perhaps 400 secondary schools that would fall within the definition of coasting and probably 60% of those—certainly at the primary level—have got a good inspection rating. They will have thought that they had done everything that had been set for them, but now they have a new bar to climb over.

Q154 Kevin Brennan: Do you think that the Government sometimes think it is ultimately possible for all schools to be above average?

Russell Hobby: Not if the definition of average keeps shifting as schools improve themselves over time. It is particularly hard at secondary level, where the exam results are re-normed year on year to ensure that a

similar balance of results comes out, so secondary schools can find themselves in a bit of a rat race on that front.

It is right that we should raise our standards from time to time and we should reset that bar. The difficulty is, if the level of pressure on schools is too high—let us face it, they have dealt with five years of quite extreme pressure on that front—some of the effects on education can be negative. Rather than just raising standards, you get narrowed curricula, teaching to the test and people leaving the environment, so you find it harder to recruit headteachers to work in the most challenging schools.

Q155 Kevin Brennan: A final question. Could the whole issue of coasting schools be dealt with in the inspection regime? Is there a danger that there could be confusion about accountability if we have two separate regimes running side by side?

Russell Hobby: That danger does exist. We now have two separate systems with no read-across between the Ofsted categories of “requires improvement”, “good” and “inadequate” and the new definition of coasting. You will find schools in every Ofsted grade that will fit that definition—in fact, I think you will find slightly more “good” schools than schools in “requires improvement” meeting the definition.

There is a risk that schools will feel that they are working towards two distinct and different sets of criteria. We have always thought that schools should be accountable, but it is helpful if they are accountable in one direction and have one set of standards so that they can focus their efforts on that.

Q156 Bill Esterson: If having a good headteacher is the best indicator of success in a school, what would you like to see in the legislation to increase the numbers of good headteachers?

Russell Hobby: We have taken the first step, which is to move away from vague generalisations of what a coasting school is to start to define what coasting schools are. One of the risks was that a lot of schools were looking over their shoulders, wondering whether they were coasting and, therefore, a lot of people were thinking, “That’s not the sort of school that I would want to go and work in” if there were extra pressures arising.

In favour of the legislation and the regulations being provided, although I have my concerns around the definition, we have now got a more graduated response to those schools that are judged as coasting. Rather than the default assumption being that you will sack the headteacher and academise the school, it is now proposed—at least as written—that you will look for a credible plan of improvement within the school and look to partner the school with other good local schools or national leaders of education. Only then will you move down into forced academisation. I am not sure that that message has reached many school leaders yet. If it does, that might reassure some of the people working in these coasting and challenging schools.

At the same time, some of the checks and balances have been removed or are proposed to be removed. The regional schools commissioners now have a great deal of discretion in determining whether the plan of improvement is credible and who the school should be

paired up with. A school's ability to represent and defend itself is not particularly enshrined within the regulations. School leaders will be wondering, "It's all very well having the challenge, but do I have the chance to make my case or will I be rushed through a change?" I would look at strengthening those aspects, if possible.

Q157 The Minister for Schools (Mr Nick Gibb): A quick question: are you happy with the concept of using a progress measure and not just an attainment measure to define a coasting school?

Russell Hobby: Yes. It is essential that you use a progress measure. If I have understood it correctly, it is an either/or—a school can demonstrate either high attainment or high progress. If it reflects the approach to the current floor standards, that is good. It is possible for a school to exceed the floor on attainment alone, as currently proposed, which means that a school with a high-attaining intake could benefit from that. For example, I believe that a few grammar schools fall within the definition of coasting at the moment. The balance between those might need to be looked at. I understand that you switch entirely to progress as a measure at secondary level in three years' time, when we have the new progress 8. In primary, it remains a balance.

I should emphasise that none of us are entirely sure what the progress measures will look like. They have not been used or tested. The level at which the bar is set remains to be defined and is, in fact, defined in retrospect for each of those years. The very structure of the primary progress measure and how it relates to either the reception baseline or key stage 1 has not yet been explored either. There is a lot of uncertainty on what progress looks like when used, but it is the right measure to use.

Q158 Mr Gibb: As a concept, are you comfortable that we have done the right thing and not just gone for attainment?

Russell Hobby: Yes.

Q159 Mr Gibb: May I ask you about the whole concept of coasting schools? As a leading figure in education in this country, do you think we are right to address coasting schools as an issue where intervention may be necessary?

Russell Hobby: If we can agree on a fair definition of a coasting school, it is appropriate that every school should stretch itself and all its pupils to the full extent. Challenging coasting schools is the right thing to do. Whether legislation, academy orders and the process of academisation are the right way to provide that challenge is more open to debate. I have said that I feel you have inserted a few layers before academisation, which is reassuring. That is the right way, but academisation is still there as a backstop.

We do not know for sure how quick the regional schools commissioners might be to say, "I don't believe in your plan of improvement. I don't believe in your capacity to improve as a school and therefore I'm going straight to academisation." Indeed, as I understand it, the Bill permits that to be made as a very quick decision. The evidence that the structural change to academy status will stop a school from coasting is not as strong as the Government might wish. Other interventions might be more appropriate.

Q160 Mr Gibb: Are you not happy that we are using national leaders of education as part of the intervention process, before any decision has been made about academisation, and that that cadre—many of whom are, I presume, members of your association—will be at the forefront of challenging, tackling, helping and supporting coasting schools?

Russell Hobby: Yes. Those first two layers of the intervention are the right ones to have—so, "First of all, prove to me as a school that you can do it by yourselves. If not, work with someone else and then I will look at converting you." But that is very much what the Government has described will happen, rather than there being any protections to ensure that it happens. I do not believe that there is anything to stop a regional schools commissioner saying, "I don't believe you have a plan of improvement and I think the most appropriate solution is academy conversion."

We know that they also have performance indicators around the numbers of academies in their area, or at least they used to. There is a suspicion that it is their preferred solution—it is more than a suspicion; it is their preferred solution in many instances. Sometimes they will be right, but sometimes it will not be the right thing.

I am not clear what chance the school has to make its case. What does a credible plan of improvement look like? How quickly does it have to put the case together? I am sure that the current generation of regional schools commissioners will handle it well, but people change and it would be nice for the Department to be clear on its protocol for how it will happen. Mistakes were made with the academy brokers; they operated somewhat under the radar, without clear agendas and without due process. That alienated a lot of school leaders and tarnished the academy brand. The Government have talked about the urgency of change, but sometimes provoking conflict and suspicion can delay change. You have schools that might otherwise wish to convert to academies digging their heels in because they do not like the way it is being handled.

Q161 Mr Gibb: All the Ministers have made it clear that they want a real approach to school improvement, using national leaders of education and looking at the plans of the schools. You should be reassured on that front. Thank you for your evidence.

The Chair: Mr Hobby, there may shortly be a vote and two Members have indicated that they wish to ask a question, so I will take both questions together. Could you sum up quickly, because I think we will leave shortly?

Q162 Suella Fernandes: What is your experience of headteacher boards and what is your view of the impact that they can have on helping schools improve?

Q163 Peter Kyle: In a follow-up to the shadow Minister's question, you expressed concern about the confusion in the framework for monitoring and evaluation that could result from this. How would that play out in a school and what impact would having different authorities responsible for different areas of monitoring, evaluation and standards have on the leadership of the school?

Russell Hobby: Two quick responses. Headteacher boards are a good idea in principle, but I agree with one of the previous witnesses who doubted the capacity of the current framework to meet all the schools required. You probably need more regional schools commissioners and more boards to support and advise them, and in the long term, see how that plays out. You have to be really careful about conflicts of interest on the headteacher boards though. These are leading academy chief executives and headteachers who may have an interest in some of the decisions being made. I am sure that they all do it from the principle of what is best for the children, but they need to ensure that the perception is there as well. There is a lack of transparency in some of their deliberations and I think that they will need to ensure that they protect themselves against that.

In terms of the multiple overlapping accountability frameworks, I think that is one of the most difficult parts of the system. When you are getting different messages from different people—one inspectorate tells you that you are good, another group tells you that you are coasting—it damages the legitimacy of some of the accountability measures in the eyes of school leaders. What am I—a good school or not a good school? Who is right? One phenomenon that you get in the education system is an amplification of other people's accountability. Knowing that, for example, as a "requires improvement" school you have three years to improve—it is a fair timescale—but your local authority, knowing that it will be held to account for your performance, may come in after two years and say, "That's no longer good enough." Your governing body, knowing that it will be held to account by the local authority, may come in after one year and say, "That's not good enough." What often eventuates is that otherwise reasonable timescales—because three years seems to me to be a reasonable timescale in which to demonstrate improvement in a school—get truncated because the same people are accountable to each other. We never chart the different pressures and how they are magnified coming through the system. A streamlined approach to accountability, where schools knew that they had one set of targets, one group of people judging and a right of appeal, would allow heads to concentrate on improving their schools rather than reporting to stakeholders.

The Chair: Thank you very much indeed. We will examine your remarks thoroughly and digest them. We may come back to you either on that or other questions. One or two other Members from both sides of the Committee have indicated that they would like to ask questions, so you might get a response back from the Committee. We thank you for your attendance. Members need to be aware that there is likely to be a vote any minute.

Examination of Witnesses

Nick Gibb, Edward Timpson and Lord Nash gave evidence.

4.46 pm

Q164 The Chair: You know the drill, Ministers. We would be pleased if you presented yourselves, your areas of responsibility and your approach to the Bill. Questions will then come from the Committee.

Lord Nash: I am Lord Nash, the Under-Secretary of State for Schools. I am responsible, among other things, for academies and free schools.

Mr Gibb: I am the Minister of State for Schools. I have responsibility for school standards, issues such as Ofsted, Ofqual, qualifications, the curriculum and behaviour.

Edward Timpson: I am Edward Timpson, Minister of State for Children and Families, which includes: child protection; adoption, which is relevant to the Bill; fostering; special educational needs; character and resilience; school sport; and a whole host of other important portfolio areas.

Q165 Kevin Brennan: Nick, why do you have such a low regard for Ofsted inspections?

Mr Gibb: We do not have a low regard for Ofsted inspections. In fact, the Bill makes it clear that as soon as a school goes into Ofsted category 4, the Secretary of State will have a duty to issue an academy order based on that Ofsted judgment alone.

With coasting schools, we wanted to have a range of metrics, rather than the Ofsted judgment, to determine what is or is not a coasting school. The other principle that the Secretary of State set out on Second Reading, and is reflected in the regulations that you saw last night, is that the judgment should be over a period of years. In most cases, it is difficult to have an Ofsted judgment over a period of years. There will be one Ofsted judgment, almost certainly, during that three-year period. Here we have three years of metrics and a school is regarded as coasting if it falls below the bar in all three years.

Q166 Kevin Brennan: Do you envisage that any outstanding schools will be rated as coasting under the definition that you released at 10 o'clock last night?

Mr Gibb: It is certainly possible that a school could be graded as good or outstanding. Thanks to many of the reforms and the hard work of the teaching profession, 80% of schools up and down the country are now graded as good or outstanding. We are trying to ensure that every school is delivering the sort of education that means that every pupil will be making progress to fulfil their potential. That is a new ambition that we are bringing to the education system.

Q167 Kevin Brennan: One of our witnesses this morning has done a bit of number crunching since then. Apparently there are schools that are currently rated outstanding but will be deemed to be coasting under the definition you released. Does it not make a bit of a mockery of an Ofsted inspection if a group of inspectors goes into a school, judges it to be outstanding and, yet, separately the school is then deemed to be coasting? Why should they get an outstanding rating if it is so obvious that they are coasting?

Mr Gibb: We do not know for certain whether those numbers are correct, because until we have the 2016 results we will not know—

Kevin Brennan: You said you envisage that it is perfectly possible.

Mr Gibb: It is quite possible.

Kevin Brennan: So the question stands.

Mr Gibb: Yes, but, taking the first point first, we will not know precisely how many schools fall into this category until we have had the 2016 results. We will then be able to define precisely what the progress measure is for 2016.

In terms of outstanding and Ofsted, I suspect that we will not find that many. I do not know and I cannot predict that, but we are determined in this Parliament to address the issue of coasting schools to ensure that every child is making the maximum progress they can, and we want to ensure that schools do that. It may be that judgments Ofsted made in a different era—in the previous Parliament, two or three years ago—do not reflect that new ambition.

Q168 Kevin Brennan: Perhaps they should be inspected more frequently.

Lord Nash, how many academies does a regional schools commissioner tend to be responsible for? How will that change under the Bill?

Lord Nash: In total, each regional schools commissioner is responsible for 600 or 700 academies, although they will be focusing only on those that are underperforming. If a school is doing well, they—

Q169 Kevin Brennan: Will they not have to monitor all schools to check whether they are underperforming under the Bill's provisions?

Lord Nash: The accountability provisions in the Bill are pretty clear, so, if they fall foul of the coasting schools definition, that will be a statistical analysis. They will not have to do any—

Q170 Kevin Brennan: Given their extra responsibility to issue directions, they have a responsibility to monitor all schools to see whether it is necessary to issue a direction as well as to improve schools.

Lord Nash: I am saying that monitoring to work out which school is coasting is not onerous; that is purely a statistical consequence of the accountability measures.

Q171 Kevin Brennan: How much extra resource will they require to perform those new functions?

Lord Nash: They will require extra resources and we will give those to them gradually.

Q172 Kevin Brennan: Can you give us an idea of what you have in mind?

Lord Nash: I expect in time we may need more regional schools commissioners—they will certainly need more people. They are heavily supported from the centre—the Department for Education—which runs very tight teams of six, seven or eight people. They will certainly need an increase in capacity, but we do not want them to become another arm of the DFE; we want them to be fairly tight-run organisations. I have to say that, having visited all of them and sat in all eight of the headteacher boards, they are performing extremely well.

Q173 Kevin Brennan: Are any of the regional schools commissioners coasting?

Lord Nash: I would say not. I have been involved in starting new organisations for 40 years and an early indication of success is early momentum. Frankly, I have never seen a new set of organisations start as well as this, which is not surprising given that they are all experienced professionals who know their regions well.

Q174 Kevin Brennan: Is there a method by which that judgment could be independently verified?

Lord Nash: I am sure there is. We have clear accountability measures set on the RSCs from the Department, but the ultimate test will be the performance of the academies and schools in their region.

Q175 Kevin Brennan: May I ask you a couple of other brief questions? I am looking for short answers. Should membership of headteacher boards be opened up now to headteachers of all schools rather than just academies, or do you regard headteachers of maintained schools as inferior in some way?

Lord Nash: We definitely do not regard them as inferior in any way, but the headteacher boards and regional schools commissioners are responsible for monitoring academies.

Kevin Brennan: That is being extended under the Bill—that is the reason for my question.

Lord Nash: It is not our current intention to open them up. Most of them are elected by their peers and we think that that is a healthy approach.

Q176 Kevin Brennan: So you would maintain the ban on maintained school heads being on the board?

Lord Nash: We have no plans at the moment to change that, but you make a point that we will keep under consideration.

4.54 pm

Sitting suspended for a Division in the House.

5.10 pm

On resuming—

Q177 Caroline Nokes: I have a question for Mr Timpson about special guardianship orders. Concerns have been raised with me by adopters that the bar is set lower for members of family to take care of their extended family's children. Will that be under review or will the Bill include anything on that?

Edward Timpson: One of the reasons why we have set up the review and the expert body that Andy Elvin referred to earlier in his evidence about special guardianship orders is that since they were introduced about 10 years ago—just under—there has not been a full analysis and understanding of what effect they have had. That means analysis of the effect not just on those children who have benefited from special guardianship orders but those for whom it has not worked out; of the types of children that are coming forward for special guardianship; and of how rigorous the assessment is of the carers who have taken them on.

That is all going to form part of the review, because there are some children who are placed under a special guardianship order who may have been subject to that order after only a six-week assessment of a member of their family or extended family, or friend of that family. Those are all issues that we need to look at; but it is true that as a consequence there are lots of children who achieve permanence through special guardianship, and that we need to understand better who they are—has it worked out and was it the right decision for them, and are they getting the support that they need post-placement?

That does not form part of this Bill, because it is specifically looking at the issue of adoption post-decision on permanence; but it is clearly an area that we need to understand better, so that we can be confident that going forward we have the right approach for children who come into care, when we seek to achieve permanence for them.

Q178 Peter Kyle: Lord Nash, perhaps I could put a question to you first, because you did not have the pleasure of being here earlier. Witnesses made some interesting points. They had a huge amount of experience behind them.

We started with Dr Rebecca Allen, who made the point that we do not need legislation; Ofsted can tackle coasting and it should be tackling it. A later witness said that the approach in question would lead to a confusing accountability regime. We heard last from Russell Hobby, who said that the way it will play out will damage the legitimacy of the system in the examination and standards regime.

There was a clear consensus from witnesses, including Sir Daniel Moynihan from Harris, that the academies are one tool; they are part of the solution for tackling coasting, but not the only solution. Do you have any cause for concern that the Bill is too narrow in its focus?

Lord Nash: No.

Q179 Peter Kyle: You do not; so you think that the only way of tackling coasting is by converting a maintained school to an academy.

Lord Nash: No, I do not. As we heard earlier, and as I think Minister Gibb said when he was on the other side of the fence talking to Russell Hobby, there is a graduated response. I think Russell Hobby talked about that. So the first question is, “Can the school uncoast on its own?” If it cannot, does it need help? Most likely that will be brokered from a national leader of education or another school and, only if after a period of time that does not work, it may well be that an academy solution is the right answer. It is not going to be by any means the only answer.

Q180 Peter Kyle: You obviously accept that coasting happens in schools—grammar schools, private schools and academies as well.

Lord Nash: Yes.

Q181 Peter Kyle: But you think there should be a different accountability scheme for each of those different schools—for what reason?

Lord Nash: I do not think that there is. In reality we are concerned about coasting in all schools, and we will set the same criteria.

Q182 Peter Kyle: Can I ask you, then, why not have a Bill that tackles coasting in all schools, rather than a Bill that tackles coasting in one type of school: grant maintained, or—

Lord Nash: We obviously cannot. We are not going to legislate for independent schools. As far as academies are concerned, they are judged on a different regime, with their funding agreements; but the new model funding agreement will have the same definition of coasting in it, in the future.

Q183 Peter Kyle: But it will be tackled through different ways.

Lord Nash: It will be tackled through the regional schools commissioners in exactly the same way. The regional schools commissioners will be responsible for local authority maintained schools that are coasting, but also academies that are coasting.

Q184 Peter Kyle: Private schools that are registered with the Charity Commission, for example, will receive tax breaks paid for by the Exchequer or a licence granted by the Exchequer. You do not think there is any illegitimacy at all, or that there will be any impact on coasting in private schools?

Lord Nash: We have been through this many times in these discussions. Private schools are separate. They are where parents exercise their right to pay for a separate education. That is a much more market-driven system than the one we are talking about here.

Q185 Peter Kyle: Perhaps I could ask Mr Gibb. You were here during the evidence sessions today and there was a clear consensus that the Bill was too narrowly focused. That was accepted, and I accept it. I am the chair of governors at an academy school that was a converter. It was a failing school and has seen spectacular results in the four years that it has been in existence. But there was a clear consensus that conversion is one tool, not the tool. Do you not think that the Bill is too narrow and should take account of what all our witnesses said?

Mr Gibb: No, because academisation is only one tool. If you look at the Bill, it has all kinds of other powers. We are asking for the regional schools commissioners to require that a school that is not performing well enough, for example, collaborate with another school or enter into contractual arrangements with somebody who can improve their school. They might join a federation or use the national leaders of education, thousands of whom are doing a fantastic job up and down the country. We want to increase that number to 1,400 and then to 2,000 by the end of the Parliament. Academisation is a backstop if those other interventions, which the regional schools commissioners will be arranging, brokering and discussing with coasting schools, fail. I expect a lot of schools that fall within the definition will have their own plans in place. There may be a recently appointed head with a range of plans to implement. She or he will find themselves below the measure of what counts as a coasting school, but they will discuss those plans with the regional schools commissioner, who will be absolutely convinced that the plan will succeed. That will be the end of the matter and the RSC can move on to another school.

Q186 Kevin Brennan: Following on from what Peter said, he referred to clause 7 of the Bill where the Secretary of State “must”, where a school is eligible for intervention, make an academy order. That is an assumption that will not even be considered for any other method of school improvement. Does that not fetter the ability of Ministers to take a decision based on evidence?

Mr Gibb: No. This is about schools that Ofsted has judged to be in category 4, either requiring significant improvement or requiring special measures, so those schools have had that time. They have had that discussion.

Q187 Kevin Brennan: The Secretary of State already “may” do that. Why “must” they do it?

Mr Gibb: Because we made it very clear before the election and in our manifesto that we wanted to intervene in failing schools from day one.

Q188 Kevin Brennan: But you can do that already.

Mr Gibb: This is delivering that manifesto commitment to intervene in failing schools from day one. This is what will happen now. It will be automatic that an academy order will be issued for schools that are put into category 4 by Ofsted. We do not apologise for that. We are determined to tackle failing schools.

Q189 Kevin Brennan: It is just tough talk, isn't it?

Mr Gibb: It may be tough talk, but it is tough talk that has delivered. As a consequence of tackling failing schools in the previous Parliament, we now have more than 1 million more pupils in good and outstanding schools than in 2010. That is a remarkable achievement, and we want to build on that now by speeding up the process. Sometimes it can take more than a year to convert a failing school to an academy. We want to build on that further and tackle coasting schools where pupils are not being delivered their full potential. We want to make sure that every child, regardless of background or ability, is fulfilling their potential.

Lord Nash: It is more than tough talk. The regime we have at the moment is basically tough talk. As Minister Gibb says, it means that the average time a school takes to become an academy after being in special measures is more than a year. That is not acceptable. Often the delays are caused by adults putting their priorities ahead of children. We have taken these powers to make it absolutely clear that delaying tactics cannot be used.

Q190 Peter Kyle: To be clear, you are talking about failing schools, but it is also about coasting schools.

Lord Nash: We are talking here about—

Q191 Peter Kyle: I was talking about coasting schools.

Lord Nash: I think you had a bit of a crossed wire between you.

Q192 Mrs Drummond: It is really good that schools are moving to “good”, and I can see that it is going to carry on. Can you see a point at which we only have “good” or “coasting” schools, because every school has got to “good”? “Coasting”, as I see it, describes schools that are doing well but could do even better.

Mr Gibb: I do not follow the question, sorry.

Q193 Mrs Drummond: I am saying that if schools are moving to “good”, we can probably get rid of the other categories—“adequate” or “failing”. Can you see a time when you would just have schools that are “good” or “coasting”?

Mr Gibb: The ambition of this Government and the previous coalition Government is not to have any failing schools. Every local school should be a good school for parents to send their child to, and measures such as this help to deliver that. These structural reforms will be combined with what we are doing with the curriculum to raise standards through more rigorous and knowledge-based GCSEs and what we are doing in primary schools with reading. There are 100,000 more six-year-olds

reading more effectively today than in 2010 as a consequence of the phonics reforms. With the Shanghai maths scheme, we are taking the approach adopted by the most successful educational jurisdiction for maths. We are trying to learn from that system and bring it to this country. All those things are designed to ensure we have the best education system we can give to young people. That must be the right ambition for any Government.

Q194 Louise Haigh: Given the evidence we have heard today, should not the definition of “coasting” be based completely on value added and measures such as progress 8, rather than the threshold proposed in the regulations?

Mr Gibb: There are two issues: one is for secondaries and the other is for primaries. The issue for secondaries is that as time goes on, and as we move to progress 8 next year, it will be just based on progress, and we will have a different measure for coasting and for the floor. There were concerns about being retrospective. We do not want to go back and change our approach for looking at floor standards. We are taking the same approach to coasting for 2014 and 2013 as we took for the floor, but we are raising it up from—

Q195 Louise Haigh: Sorry, but the definition of “coasting” contains a threshold and a progress measure. My question is, should the threshold not be removed completely from the definition?

Mr Gibb: There was a combined measure of attainment, which was 40% for the floor, plus a progress measure in English and maths for secondaries for 2013 and 2014. We do not want to make that retrospectively into just progress, but it will be just progress in the future for secondaries when we bring in progress 8. For primaries, we will retain a threshold attainment level of 85% achieving level 4b for the future and level 4 for the past two years. We do not apologise for that, because the figures are very stark: 65% of children who achieved a level 4 at primary school go on to get at least five good GCSEs, but only 5% of children who do not get a level 4 achieve five good GCSEs. We do not apologise for there being an attainment level. Only about 16% of schools are in that attainment level for 4b, so for the vast majority of schools we will be looking at their progress.

Q196 Louise Haigh: Do you accept that certain schools in certain areas will always miss out on that threshold?

Mr Gibb: I am sure that will be the case, but it is not our ambition. We want every school to be achieving—

Q197 Louise Haigh: And how does that affect morale and recruitment in those schools?

Mr Gibb: We have an aspiration that the floor will reach 85% over a period of time. As I said, it is important that children reach that level of academic attainment by the time they leave primary school. In primaries, there is the concept of the mastery level. We want every child leaving primary school to be fluent in arithmetic and mathematics, so that when they start with maths and science at secondary school, they can cope. That is our ambition and it is possible to achieve it. There are schools around the country in the most deprived circumstances that are getting 100% of their children to these levels and that is our ambition for the whole school system.

Q198 Louise Haigh: Is there any scope to include churn in the assessment? Some primary schools, in particular, have a huge level of churn of pupils and are therefore being judged on pupils they may have had for only six months or a year.

Mr Gibb: It is a very good question. Some schools face real challenges. That is why we adapted the pupil premium: to reflect some of the issues that arise with certain professions, such as the military, and with looked-after children and so on. It matters even more that those children receive a high-quality education than it does for other children. We do not want to lower the ambition for the schools that serve those communities. We know it is challenging: that is really what the pupil premium is about—delivering extra resources so that those schools can deliver the quality of education that those children absolutely need.

Q199 Louise Haigh: No one is suggesting that we lower the ambition for the most deprived pupils in our country; what worries me is the impact that the Bill may have on morale in the teaching profession. As we have heard, recruitment and retention are a problem across the board in teaching. Does the Minister not think that the Bill should have measures to tackle that growing issue?

Mr Gibb: As Lord Nash said, the definition of a coasting school is the beginning of the discussion. The regional schools commissioners will discuss with the headteacher their plans for bringing that school above the bar. If those plans are good and likely to be effective, that is really the end of the matter. I do not think that that should damage the morale of the teaching profession.

Q200 Louise Haigh: We have heard that a dual accountability system will almost certainly damage morale.

Lord Nash: We have a dual accountability system now.

Q201 Louise Haigh: The Secretary of State judges schools; this introduces yet another layer and confuses accountability mechanisms even further.

Lord Nash: It is based on the existing accountability system. Taking your point about schools that have high in-year mobility, obviously these are issues that the regional schools commissioners will take into account. They are experienced professionals and will look at the context of the school when making their analysis and working out with the school how it can improve its performance.

Q202 Louise Haigh: You were not here to listen to most of the witnesses this morning, but as Peter Kyle said, we heard time and again that recruitment and retention of teachers is a serious problem, both for entry-level positions and in senior leadership. That is a major factor in the quality of a school's education and there is nothing in the Bill to tackle it.

Mr Gibb: No; it is not about that.

Q203 Louise Haigh: Yet it is a major issue in our education system. Sir Michael Wilshaw himself has said so.

Mr Gibb: The vacancy rate in the teaching profession is about 1% and it has been at that level since 2000. We know that we face challenges with a strong and growing

economy: the competition now for graduates is very fierce and we are aware of that. All teaching recruitment organisations—Teach First, the National College for Teaching and Leadership—face that challenge, but you describe this as some sort of crisis. Teacher vacancy levels are very stable at 1%, we are above where we were this time a year ago in terms of acceptances, so I am not complacent about making sure that we have measures in place such as good marketing and bursaries to attract top graduates in shortage subjects such as maths, physics and modern languages. We are doing everything we can to make sure that we recruit graduates into teacher training, but we are actually doing very well considering the strength of the economy and the fact that we have a relatively small number of graduates coming out of our universities this year.

Q204 Margot James (Stourbridge) (Con): We heard this morning about Downhills primary school and the campaign against its academisation. I am a governor of a school in Stourbridge which is now an academy and the process of academisation there took place against an orchestrated campaign, which ran for more than 12 months. Given those experiences and the potentially even greater struggle that failing schools or struggling schools in poorer areas would have in the face of such a campaign, do I take it from you, Mr Gibb, that the speed with which the measures in the Bill will enable the Secretary of State to turn a failing school into an academy will be the answer to those sort of problems? Under the measures in the Bill, how quickly do you think the improvement in a child's education and the life chances of those children in a school that was failing will be turned around?

Mr Gibb: We heard from Sir Dan Moynihan this morning about how they managed to turn Downhills school around in two years and it is now good with some outstanding features. He also cited the metrics of the improvement in the proportion of pupils reaching level 4. It is quite staggering. That is in the face of delays that were caused by the “save our failing school” protests. It is a tragedy that any month is wasted when children only get one chance at an education. The Bill is designed to speed up that process and that is why a school that is in special measures or category 4 will automatically be issued an academy order. The whole issue of whether a school is going to become an academy will vanish. There is no point in protesting because that is going to happen and then we can get these outstanding academy groups to take over the school and bring in support and leadership and transform it very rapidly. I think Lord Nash might want to say how rapidly.

Picking up the earlier question from Louise Haigh about morale, I would say that this is a great time to be a teacher. We have between 400 and 500 new academy groups developing that are based on a good school. A headteacher can use their expertise to develop other schools. We heard that earlier today from the lady from Sunderland—her name escapes me—who runs the WISE academy chain. It is a wonderful professional thing to be able to do, to take your expertise and experience and to spread it into three, four or five other primary schools and raise their standards. Those opportunities were not available before the coalition Government came in in 2010 and there will be increasing numbers of those opportunities available to the profession in years ahead.

Lord Nash: Our mottoes are “Every child deserves to go to a good school” and “children before adults”. I know the experiences you are talking about from personal experience as an academy sponsor appointed by Andrew Adonis for a school in Pimlico which was in special measures. We had a group of teachers and parents who were very against the whole idea and came up with a lot of appalling tactics, including breaking into my office and various other things, but two years after we took the school over, it went from special measures to outstanding, thanks to the leadership team and teachers that we recruited. The people I have just referred to asked after a year if they could change their name from, I think, the Pimlico School Association to the Friends of Pimlico Academy. They got quite a short answer from me on that. We do not want other people to have to go through that experience because it is just adults putting their dogmatic prejudices before the interests of children. That is what part of the Bill is about.

Q205 Steve McCabe: Mr Timpson, during the passage of the Children and Families Bill, your colleague Lord Nash here, accepted that a power to require all local authorities to undertake joint arrangements should “be subject to full and rigorous scrutiny by Parliament.”—[*Official Report, House of Lords, 9 December 2013; Vol. 750, c. 622.*]

When Baroness Hughes pointed out that the steady use of powers of direction could result in the same effect, she was assured that that was not the Government’s intention and that any direction

“would be preceded by a letter setting out the Secretary of State’s intention... This would explain the underlying reasons and provide the affected local authorities with an invitation to respond. Only then would the Secretary of State take a final decision to issue the direction.”—[*Official Report, House of Lords, 9 December 2013; Vol. 750, c. 625.*]

Will you follow roughly the same procedure with these arrangements? Is it fair to assume that the risk is still pretty much the same as the one identified by Baroness Hughes?

Edward Timpson: First, I do not know which particular aspect of the Children and Families Act 2014 you are referring to.

Q206 Steve McCabe: I was referring to the joint arrangements covering adoption.

Edward Timpson: From memory, that was clause 3, but it may have changed during the Bill’s passage through the House of Lords.

As we heard in the evidence earlier this afternoon, the whole purpose of this clause is to have a backstop power in circumstances that we envisage will be extremely rare, if used at all, to enable regional adoption agencies to be fulfilled right across England. We want that to happen voluntarily, to be locally developed and to be done—I think this is where we can have a higher level of agreement on your point, Mr McCabe—in a transparent way. It must be clear who is involved and what will be expected of those who are in conversation with other local authorities, voluntary adoption agencies and the Department for Education, so that we get what our “Regionalising adoption” paper sets out clearly: excellence in every regional adoption agency.

The details of how we do that will, I am sure, be discussed in Committee, but I can certainly give an assurance that we want to see a transparent process.

Much of that is already happening, as we have heard. I fully expect that to continue with the support we are offering through the £4.5 million over the next year and the practical support that the Department can offer, as well as the adoption leadership board and the regional adoption boards. That will ensure that excellence, where we know it exists, is brought to the attention of local authorities that do not know already about it and are looking to build up a consortia.

Q207 James Berry: For constituents I have spoken to about adoption, the key concern and key failing they identify in the system is the time it takes to achieve permanency. Are you confident that the Government’s proposals in the Bill will speed up the process?

Edward Timpson: I am confident that if regional adoption agencies develop in the way that we expect and are already starting to see, that will help—particularly with the matching process and trying to bring down the time it is taking for far too many children whose plan is for adoption to be matched with their forever family. We know that there are 3,000 children in care at the moment whose plan is for adoption. Over half of those have been waiting for 18 months for that match, despite the fact that there has been a 27% increase in adopter recruitment in the past few years.

We have, in the past three to four years of the coalition Government, seen a reduction of about four months in the time it takes for a child to be adopted. That is good progress, but we think we can go further. The creation of regional adoption agencies will help in that endeavour, as will the area of recruitment and improved support for children who have been adopted—in particular, the specialised services that are not always available in every local area. If those services are commissioned and drawn from a wider area across the region, more families and children will be able to access them when they need them.

Q208 James Berry: Secondly, the first set of witnesses we heard from on the adoption part of the Bill were broadly supportive of the Government’s proposals. The second set—to the extent that they were actually opining on the Bill; in other words, adoption rather than the wider piece—did raise some concerns, one of which was that small voluntary adoption agencies might be crowded out. Can the Government give any reassurance on that?

Edward Timpson: There are several ways in which I can reassure those voluntary adoption agencies. I had the opportunity a few weeks ago to speak to the Consortium of Voluntary Adoption Agencies about this at their conference.

First, I put on the record—I will continue to do so throughout the Bill’s passage—my view and that of the Government: voluntary adoption agencies play a key and central role in delivering high-quality adoption services in England and, I am sure, right across the United Kingdom. They will be an essential part of the solution to excellent regional adoption agencies. Secondly, in the paper, “Regionalising adoption”, we have—I think on page 12—clearly set out why we say that that is the case. We will be working with local authorities, as they develop their regional adoption agencies, to ensure that they understand the benefits that they can draw from voluntary adoption agencies if they are not already doing so.

Voluntary adoption agencies that may want to have a different arrangement—obviously, we cannot force them to join the consortium—will still have a vital role to play in providing some of those specialised services for children for whom it has proved more difficult to find the right family. They could also have a role in the training of adopters, so that they feel confident with the challenge, which, I know from my own family, adoption can bring.

Q209 Peter Kyle: I have a follow-up question to Mr Gibb. First, I would like to associate myself with some of the comments that you made about the protests that have emerged around potential converter schools. I returned to secondary school in my mid-20s because I went through a failing school the first time, so I feel this very personally. In my constituency, I have seen cases of people using individual schools as political footballs, which I think is appalling.

We are now moving from an era of rapid conversions of failing schools into one where parents will find out that their school has been declared coasting, and that might be a shock to them. A rapid process may emerge, which will invite this kind of protest, however rapid it is. We could lose any existing community engagement, which could have been harnessed. I am throwing you an olive branch. We all want zero tolerance on young people leaving school and emerging into an area where they will not get the second chance that someone like me did. Is there a way of finding a consultation process that harnesses parent power, rather than, by default, seeing it as an obstacle?

Mr Gibb: There are two questions. One is whether children should be involved in a child's education and whether the community should be involved in its local school—yes to both. Secondly, should organised political groupings locally be able to thwart the conversion of a failing school into an academy? The answer is no.

I should add that in the Bill if a school is voluntarily converting—a good school that the governors have decided to convert—there is still a requirement for them to consult the stakeholders of the local community. It is only for those schools that have been categorised by Ofsted as failing. When Ofsted puts a school into special measures, it is the truth; it is a school that has not delivered properly for those young people. We cannot have ideologically driven groups deliberately trying to delay and frustrate the aim of raising standards.

Q210 Peter Kyle: My point is that we cannot use that as an excuse to shut out parents. I understand about people making broad political points, but parents of students who are going to the school and the school community are actively engaged. We do not want to push them to one side for fear of a group that is somewhere else.

Mr Gibb: I do not disagree with you on that. It is about the legal process of converting a school into an academy. We do not want that process being delayed by a group of people who are being driven by politics and ideology. Regarding the parents who want the best for the school, are involved with the PTA, are governors and are involved with their children's education, a good school will always want to embrace and involve them in the running of the school and the school community. Nothing in the Bill prevents that from happening.

Q211 Kevin Brennan: We have talked about reasons for delays around academisation. Is it not the case that delays are more often due to departmental incompetence, PFI deals and lawyers arguing about public land, or does that never happen, Lord Nash?

Lord Nash: The answer to your question is that it does happen sometimes. Lawyers do argue on those issues, but they are not issues that result in extensive delays.

Q212 Kevin Brennan: Have you witnessed many lengthy delays, none at all or small delays for those reasons?

Lord Nash: Sometimes, the legal process on land can take a bit of time, particularly if the information forthcoming from the local authority is slow, but generally it is the other delays that we talked about.

Q213 Kevin Brennan: Tim Coulson acknowledged earlier that having a key performance indicator relating to the percentage of academies that should be converted in an area could be perceived as a conflict of interest when dealing with coasting schools, in relation to how to approach them. Do you see any conflict of interest being possible there?

Lord Nash: We make sure that all our accountability measures and all the ways in which we assess the performance of regional schools commissioners are based on the principle of putting children first. There are no hidden agendas as you imply.

The Chair: That brings us to the end of the time allotted. We are grateful to the Ministers. This is undoubtedly only the opening foray of a period of time that I am sure we will all enjoy. We will examine everything that has been said today by witnesses and the Ministers, and we may come back with some further requests for information. The next meeting of the Committee will be on Thursday 2 July at 11.30 am in Committee Room 12.

5.45 pm

Ordered, That further consideration be now adjourned.—(Margot James.)

Adjourned till Thursday 2 July at half-past Eleven o'clock.

Written evidence reported to the House

EAB 01 Dr Rebecca Allen, Director, Education Datalab

EAB 02 Link Maker Systems

EAB 03 NSPCC

EAB 04 Acorn Care and Education