

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

EDUCATION AND ADOPTION BILL

Fourth Sitting

Thursday 2 July 2015

(Afternoon)

CONTENTS

CLAUSE 1 agreed to.

Written evidence to be reported to the House.

Adjourned till Tuesday 7 July at twenty-five minutes past Nine 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

Monday 6 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 (*Kingston and Surbiton*) (Con)
 † Brennan, Kevin (*Cardiff West*) (Lab)
 † Donelan, Michelle (*Chippenham*) (Con)
 † Drummond, Mrs Flick (*Portsmouth South*) (Con)
 † Esterson, Bill (*Sefton Central*) (Lab)
 † Fernandes, Suella (*Fareham*) (Con)
 † Gibb, Mr Nick (*Minister for Schools*)
 † Haigh, Louise (*Sheffield, Heeley*) (Lab)
 † James, Margot (*Stourbridge*) (Con)
 † Jones, Graham (*Hyndburn*) (Lab)
 † Kyle, Peter (*Hove*) (Lab)
 † Lewell-Buck, Mrs Emma (*South Shields*) (Lab)
 † McCabe, Steve (*Birmingham, Selly Oak*) (Lab)
 † Nokes, Caroline (*Romsey and Southampton North*)
 (Con)

Pugh, John (*Southport*) (LD)
 † Timpson, Edward (*Minister for Children and Families*)
 † Tomlinson, Michael (*Mid Dorset and North Poole*) (Con)
 † Trevelyan, Mrs Anne-Marie (*Berwick-upon-Tweed*) (Con)
 † Walker, Mr Robin (*Worcester*) (Con)
 Wilson, Sammy (*East Antrim*) (DUP)

Fergus Reid, Glenn McKee, Joanna Welham, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Thursday 2 July 2015

(Afternoon)

[MR CHRISTOPHER CHOPE *in the Chair*]

Education and Adoption Bill

Clause 13

LOCAL AUTHORITY ADOPTION FUNCTIONS: JOINT ARRANGEMENTS

Amendment proposed (this day): 7, in clause 13, page 8, line 26, at end insert—

“() Where a direction under subsection (1) is to be given the Secretary of State must first publish a statement setting out the criteria against which he has selected the body or bodies who will carry out the functions in the direction.”—(*Steve McCabe.*)

This amendment would require the Secretary of State to disclose the criteria against which the body or bodies taking on adoption functions have been selected.

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing amendment 13, in clause 13, page 8, line 41, at end insert—

“() Where a direction under subsection (1) specifies that the functions are to be carried out by more than one agency, the specified bodies offered an opportunity to participate must include at least one voluntary organisation acting as an adoption society as defined by the Adoption Act 1976.”

This amendment aims to ensure that smaller voluntary adoption agencies, specialising in finding families for harder-to-place children, are not excluded from or by the new arrangements.

The Minister for Children and Families (Edward Timpson): As ever, I am grateful to hon. Members for their amendments, which would require the Secretary of State to publish the specific criteria against which the body or bodies taking on adoption functions have been selected, and would ensure that when a direction specifies that functions are to be carried out by one or more agencies, at least one voluntary adoption agency is given the opportunity to be involved.

Before we broke for lunch, we had a helpful debate. I listened to the contributions, and I appreciate the intent behind the amendments and understand the need to be clear on how the decisions are made. I assure hon. Members that decisions will not be taken lightly. We intend to work closely with local authorities and agencies to shape the new regionalised system so that the excellence and quality that we want to drive across adoption services are realised.

I recognise the vital role that voluntary adoption agencies play in our adoption system. The country is fortunate to have an array of excellent voluntary adoption agencies—I believe more than 90% have been rated as good or outstanding by Ofsted—all with a deep expertise

and commitment to improving the life chances of vulnerable children. I intend that they will continue to play an important role in the system as we move to regional adoption agencies. We have provided about £16 million of funding to voluntary adoption agencies, in expansion grants and other ways, so that they can beef up their capacity and maximise the role that they play in the delivery of adoption services.

We have already made significant and important improvements to the adoption system, with record numbers of children finding permanent, loving homes but, as ever, there is still more to do. I am sure that the hon. Member for Birmingham, Selly Oak has the “Regionalising adoption” paper that was published last month sitting on his bedside table along with the Conservative manifesto. The paper—he has it in the palm of his hand as I speak—sets out what we want to see from regional adoption agencies. It is clear that voluntary adoption agencies have an important role to play—a point that I reiterated in the evidence that I gave to the Committee on Tuesday. The paper says:

“We are particularly keen to consider models that have an element of cross-sector collaboration, bringing together the best of the voluntary and statutory sectors.”

As the hon. Member for Birmingham, Selly Oak mentioned, the paper includes a specific section on the role of voluntary adoption agencies. We want voluntary adoption agencies to seize this opportunity to provide more of their excellent services and to work with local authorities to deliver the best agencies for children; many, such as Coram, After Adoption, Adoption Focus, Adoption Matters Northwest and others are already doing so to great effect. There is no reason to assume that more cannot follow suit.

Our intention is that, as far as possible, the sector should move to regional adoption agencies by themselves and make their own decisions about what those arrangements look like, including whether their new arrangements appoint lead bodies and how local authorities and voluntary adoption agencies can best work together to deliver for children. I am clear that I want a system-wide change and that I expect all local authorities to be part of a regional adoption agency by the end of this Parliament. However, how they choose to come together is not something that I want to prescribe directly from Whitehall. As Sir Martin Narey said in his evidence:

“If we have to design top-down structures for regions across England, it will divert us from the more important task.”—[*Official Report, Education and Adoption Public Bill Committee, 30 June 2015; c. 51.*]

I take on board the observations made by Opposition Members about the experience in Wales: it has tried hard to scale up the operation of adoption there, but there may be issues about the consequences that that has had for voluntary adoption agencies. We clearly want to avoid that situation. That is why the Government will work closely with agencies to deliver regional adoption agencies and will provide both financial and practical support this year to help agencies come together to form the new agencies.

For local authorities that are unwilling or unable to rise to that challenge, we will look to use our powers to direct them to be involved. Even where we make a direction, we hope that the authorities we direct will be in a position to make their own decisions on who should carry out the functions on their behalf.

It is vital that this is sector-led as far as possible. Indeed, I want to ensure that the changes build on existing relationships, a large majority of which involve voluntary adoption agencies. It is important for the success of regional agencies that the new arrangements work well for and have the support of those involved, while responding to the characteristics and needs of the local area. The specific circumstances in which we use the powers will be shaped by how the system develops in response to the support we will provide to local authorities and voluntary adoption agencies to establish regional adoption agencies voluntarily. We will therefore not specify criteria at this juncture.

The good news is that voluntary adoption agencies are already formally or informally involved with consortia in regions across the country, with the majority of consortia having some contribution from voluntary agencies. For example, Coram is now working with several local authorities in London to form Coram Capital Adoption, and the partnership of Adoption Matters and Caritas Care has established a north-west concurrent planning service across 13 local authorities, operating through a contract with a single local authority partner: Blackburn with Darwen. That is all very encouraging. I want to see those sorts of arrangement strengthened and broadened. To that end, the substantial Government funding—the £16 million package of support for voluntary adoption agencies in the current and previous year—will put voluntary agencies in a strong position to do just that.

However, we believe that it should be up to individual voluntary adoption agencies to decide how they want to be involved. We cannot and do not want to direct them to be part of regional adoption agencies—something that the hon. Member for Birmingham, Selly Oak rightly acknowledged—as that would go against the flexible approach that we believe it is right to employ. I envisage voluntary adoption agencies not as an add-on or afterthought but an integral part of regional adoption agencies, as Opposition Members have said.

Where the Secretary of State specifies who is to carry out the functions on behalf of local authorities, I understand the need to ensure that such decisions are open and transparent. Any decisions will, of course, be made in a fair and evidence-based way after discussions with all relevant agencies. Decisions would also, rightly and importantly, be based on the particular situation of the local authorities involved.

I hope that we will see a range of responses from the host of voluntary adoption agencies I have had discussions with. I expect that some will put themselves forward to lead regional adoption agencies, while others will act in partnership with local authorities. For agencies that do not see leading or partnering as an option, the services they provide in recruiting adopters—particularly for some of our most vulnerable and complex children—and in providing adoption support will still be much needed by the new regional agencies. I assure Members that the Government are committed to working with agencies and local authorities and to being open and transparent about these decisions. In view of the approach I have set out, I hope that Members will feel reassured enough to withdraw their amendments.

Steve McCabe (Birmingham, Selly Oak) (Lab): As I indicated at the outset, these were intended as probing amendments. We have had a good opportunity to air

the issues concerned. I am grateful to the Minister for stressing that excellence and quality will govern his thinking on this. I note that he does not want to specify criteria at this juncture, but I assume from what he said that those will become clearer as time goes on. Will he keep Parliament in touch with developments up and down the country?

I acknowledge the Minister's comments about the voluntary sector and the £16 million expansion grant, and I was encouraged by what he said about the role of voluntary agencies. I agree that "Regionalising adoption" is a remarkably good and straightforward read, and I would recommend it to anyone. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Steve McCabe: I beg to move amendment 8, in clause 13, page 8, line 35, at end insert—

'() Where a direction under subsection (1) is to be given, and the functions in the direction include the recruitment of persons as prospective adopters, the Secretary of State must first publish a statement setting out the criteria against which adopters will be selected after the arrangements in the direction come into operation.'

This amendment would prevent the body or bodies taking on adoption functions from changing key criteria.

I will not detain the Committee for too long with this fairly straightforward, probing amendment. I am full of admiration for people who adopt children and offer them a new home and a fresh start in life. As someone with a social work background, although it was many years ago, I have had plenty of experience of working with children who are damaged by their earlier life experience or are traumatised through neglect or abuse by the very people who brought them into the world and ought to have been responsible for caring for and nourishing them. There are parents who, through no fault of their own, find themselves unable to care for their children or give them the life they wish for them, and have to make the agonising decision to give their children up for adoption.

I am sure we all accept the essence of the Minister's aims for this legislation. We touched this morning on the problem of focusing too much on adoption, to the exclusion of all other matters. I referred to Mr Elvin, the chief executive of The Adolescent and Children's Trust, who warned in his evidence of the danger of separating out children and creating a hierarchy, with adoption at the top. There is a danger that the need to find adoption placements at all cost could lead to undesirable outcomes.

That consideration weighed on Lord Justice Munby when he delivered his ruling that adoption orders should be made when the courts are convinced that a proper, balanced judgment has been made and that the pluses and minuses of all potential outcomes have been properly considered. I want to be certain that there is no risk that those selected as potential adopters under the new arrangements will be subject to any less scrutiny or assessment than has hitherto been the case.

Barnardo's submitted a briefing note about the Bill—other hon. Members may have seen it—in which it stressed that different agencies can be more or less successful than others when working with people and helping to assess and prepare them for offering their home to a child or children. It quotes a good case study

[*Steve McCabe*]

of a couple who were rejected by their local authority, partly on the grounds of the woman's age. After undergoing training and support with Barnardo's, the couple was able to successfully adopt two boys.

Anna Sharkey referred in her evidence to the situation in the '60s and '70s, which some of us may recall, when the major interest was to match babies and younger children with couples who were prepared to adopt them. She reminded us that the requirements for adoption have changed over the years. Many of the children now needing an adoption placement are older. They may be part of sibling groups, have learning difficulties, psychological problems or special needs. They are special children in that sense and they require ordinary but special people to provide them with a loving home. As we heard earlier, they are often harder to place.

2.15 pm

That may be an uncomfortable term to use. I think Mr Elvin made the point that these were children who in the past had had multiple failed placements. That was what was hard; we should not say that they are harder. Often it is more difficult to find the appropriate placement for those children.

Adoption has changed. There is a harder group to place and the people who adopt have changed. We now talk about same-sex couples, single parents, people who would never have been considered in the '60s and '70s. I want to be sure that in our zeal—I use the word deliberately—to try to find good placements for children, we do not risk changing the criteria for approving prospective adopters in a way that would disadvantage the children for whom we are trying to secure homes, or the prospective adopters.

I am particularly concerned that there should be no question of regional agencies playing a numbers game to enable them to relax their criteria and allow acceptance of those who are not really suitable. Conversely, I am concerned that the new arrangements should not squeeze out voluntary agencies. They are often the agencies that specialise in the patient preparation and development of prospective adopters; people who might be ruled out by the larger local authorities but, given time, patience and proper work, will turn out to be excellent adoptive parents.

I said I did not wish to detain the Committee for too long. I am seeking assurance from the Minister that, using whatever means he judges most appropriate, he will make it clear that under the new arrangements there will be no dilution of the rigorous assessment process for all adopters, and no temptation to exclude those who need more time, support and preparation, and therefore more investment in the early stages of their adoption journey. As one of our witnesses commented, adoption is a very personal experience. It is a personal journey and those engaging with the process require trust, respect, encouragement and support.

Edward Timpson: I thank hon. Members for tabling amendment 8, which would require the Secretary of State to publish a statement of the criteria to be followed in selecting prospective adopters to assess.

I commend the motivation behind the amendment, which the hon. Member for Birmingham, Selly Oak has just articulated extremely well. While I have some sympathies with that thoughtful intent, I am concerned that it has the potential to be detrimental to children waiting to be adopted. It also might be detrimental to the hopes and dreams of prospective adopters, which must be avoided. I will explain why I believe that.

It is important that agencies prioritise the needs of children who are waiting and that they actively recruit, assess and approve suitable adoptive parents who can meet those needs. I am also conscious of the national picture and the need for agencies to work together for the good of children across the whole system. Too tight a focus on meeting the needs of a small group of children in one area at a specific time may well mean that an ideal prospective adopter for a child in another area might be missed, or have their hopes dashed by being told that they are not needed or do not have the skills to become an adopter. That means that the whole system, not just that agency, will lose a person whom we should treasure, as was said a few moments ago, for having taken a big leap of faith in putting themselves and their family forward for an adoptive placement.

Bill Esterson (Sefton Central) (Lab): While we are debating this amendment, I take the opportunity to say that we had written evidence from Link Maker Systems making the point that getting arrangements wrong could result in the downside of too many placements. Multiple placements cause children additional emotional damage, making matters worse, not better. Does the Minister agree that the point of this probing amendment is to ensure that we do not end up making a situation worse? Getting the balance right is essential, and that is what my hon. Friend's amendment, which was signed by a number of us, drives at.

Edward Timpson: As I said, I commend the motivation behind the amendment and understand its purpose. Of course we want to ensure that a balance is struck in every case between making a decision as swiftly as possible and basing it on good-quality evidence that there is enough support for the placement to be durable for the rest of the child's life with that family. We know from research by Julie Selwyn at Bristol University that the adoption breakdown rate is only about 3%, which suggests that there are some good-quality decisions being made on matching children with the right families with the right support.

We will discuss during debate on future clauses how we can enhance the support required so that we do not see cases such as the ones highlighted in Julie Selwyn's research, in which things go wrong and parents and, most importantly, children suffer the consequences. I have read of many similar cases and talked to adoptive parents in my constituency and in my role as Minister. We do not want to risk making that an even more frequent occurrence.

I reassure the hon. Member for Birmingham, Selly Oak about the rigour of assessment and approval. Anyone who has been through the process of becoming an adoptive parent will know that it is a warts-and-all exercise, and that every aspect of their life is scrutinised from every angle. Not just the prospective parents but people who know them or who might have met them

once have a part to play in building a picture of who they are as individuals and as a family, what challenges they face in their own lives and whether they have what it takes to take on the exciting but often challenging role of an adoptive parent.

Back in July 2013, we introduced the new framework for assessment and approval of adoptions, so that we could get the balance right between ensuring the required rigour of scrutiny and doing things in a timely manner, so that those who have taken the decision to put their names forward get the chance to build up a relationship of trust and feel that they are sharing their information securely, while being fully aware of what they are embarking on. That framework has now been in place for almost two years, and no signs have come to light that the assessment and approval process is not working well. We have ensured that the earlier part of the adoption process is well supported, with an additional £200 million to local authorities in the last Parliament to achieve that.

Of course, local authorities and their voluntary agency partners, and the new regional adoption agencies, will be best placed to know the needs of the children waiting in each area. Introducing regional adoption agencies means that agencies will be able to match the needs of children waiting with prospective approved adopters far more effectively. In addition, the Adoption Leadership Board collects and publishes data to help individual agencies see the regional and national picture of children and adopters waiting in other areas. I am sure the hon. Gentleman had the best intentions, but the publication from the centre of specific criteria for recruiting adopters at the level of detail required would not be helpful. I therefore hope that, having given him that reassurance, he will withdraw the amendment.

Steve McCabe: As I said, this is a probing amendment, so I do not intend to press it. I acknowledge what the Minister said. He was right to point out that the breakdown rate is low—based on Selwyn’s report on adoption—but surveys of parents and children in adoptive situations report high levels of stress, emotional problems and difficult behaviour, which, as he may know from personal experience, has an impact on families at various points throughout their lives.

I said earlier that I was full of admiration for these people. It is not the case that adoption is plain sailing from the point at which it legally takes place. All the evidence shows that that is often just the start of what can be a difficult and complicated journey, but I am sure the Minister appreciates that.

It is important that we have the right people, but I am not suggesting a tick-box exercise. I am not talking about the people who tick the appropriate boxes at the point of assessment; we need the people who have the strength and stamina to cope with the difficulties that will inevitably result in the years ahead. That is the point I was trying to stress. It is important that we do not end up with regional agencies being driven by a mentality that they have to up the numbers as opposed to finding the right people to do the job.

I note the Minister’s points about the Adoption Leadership Board. Perhaps we should continue to focus on that in the time ahead. I absolutely recognise that it probably does not make sense to lay down central

criteria, but I ask that, during the Bill’s passage, he keeps in mind and reflects on the issue of numbers and the need to find the right people, because that will constantly be an important balance to strike. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Steve McCabe: I beg to move amendment 9, in clause 13, page 8, line 35, at end insert “including support identified in needs assessments of adopted children”

This amendment would require the new arrangements to recognise that adequate provision of adoption includes support to meet the needs identified in individual assessments of the adopted children.

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

Amendment 12, in clause 13, page 8, line 41, at end insert—

“(7) Before making any such regulations the Secretary of State shall consult children who have experience of adoption functions, adopters and such persons as he considers appropriate.”

This amendment aims to ensure that adequate consultation takes place on the regulations prior to their implementation.

New clause 1—3ZB England—reports to be commissioned and guidance to be reviewed by the Secretary of State—

“(1) Before giving a direction under section 3ZA(1) the Secretary of State shall commission and publish a report on the fitness of the authorities and agencies that he proposes should carry out the functions on the matters set out at subsection (2).

(2) Matters that are to be the subject of the report at subsection (1)—

- (a) the nature and adequacy of the support the authorities and agencies will provide for those leaving care for adoption up to age 25, for their education and for their adult employment;
- (b) the arrangements for carrying out mental health assessments for those children leaving care for adoption and the support services for adopted children with mental health needs; and
- (c) the extent to which he is satisfied that the authorities and agencies have adequate resources and skills to implement and follow the statutory guidance for the identification and matching of children with potential adopters.”

This new clause would require the Secretary of State to review the fitness of the services to be provided under the new arrangements before a direction is given, in particular the adequacy of the support to be provided for children leaving care for adoption, their education, their employment and, where needs are identified, their mental health.

Steve McCabe: The amendment aims to raise the issue of support and to give us an opportunity to wonder aloud why it is that a specific measure or duty on support was not included in the scope of the Bill when Ministers prepared their plans, because that is obviously a key ingredient of successful and stable adoptions. From your perusal of the oral evidence sessions, Mr Chope, no doubt you will have noticed that support was raised by numerous witnesses.

Mr Leary-May, the chief executive of Adoption Link, has considerable experience as an adopter and through being responsible for Adoption Link, which so many social workers now commend as a first-rate, user-friendly tool that facilitates matching and helps them to widen searches for placements, which the Minister wants. Mr Leary-May told the Committee of the need to

[*Steve McCabe*]

support adopters in their journey to becoming adoptive parents and of the ongoing issue of support for parents and children after the adoption has taken place.

2.30 pm

We heard praise heaped on the Minister—I think it was probably justified—for the creation of the adoption support fund. I want to add to the praise by congratulating him on that fine initiative. The purpose of the amendment is to persuade him that we need to go further. It is good that the functions transferred under the Bill's proposals will include the provision of adoption support services, but what these vulnerable children and their new adoptive parents really need is a guarantee that such support will actually be available. It is simply not enough to have a right to assessment. Parents and children need a right to the treatment, therapy or support that the assessment identifies as necessary. At the moment, we place the duty on local authorities to provide an assessment. We raise people's hopes, but there is no corresponding duty to provide any help, irrespective of what the assessment identifies. I cannot believe that anyone thinks that that honestly makes sense.

Currently, a child entering the care system is routinely subject to a physical health check but no corresponding mental health check, irrespective of the circumstances surrounding their entry into the care system. If the Minister indicated today that he was thinking of going further on this, it would respond to the concerns of many people up and down the country.

Peter Kyle (Hove) (Lab): By definition, young people and children are some of the most disempowered in our society. The young people affected by the Bill are even more so. Does my hon. Friend agree that the purpose of the amendment is to give power to some of those young people via statutory instruments and the agencies that have a duty to care for them? That is incredibly important for these young people, who are so excluded from society and from some of the support services that society offers other young people.

Steve McCabe: That is absolutely right.

We must remember that the reason for a young person being adopted is that we have concluded that there is no other possibility of providing a decent, stable chance at life for them. We have concluded that all other options are closed and that the best thing to do is to make a fresh start with new parents and a new family elsewhere. I assume that in the vast majority of situations, social workers do not arrive at that conclusion lightly. There has been criticism in the court about whether they could be more rigorous in how they pursue some of the options, but it seems inconceivable that someone could arrive at that conclusion lightly. That conclusion is arrived at because a judgment is made that the young person's life prospects are pretty limited unless that deliberate, final step is taken. These young people need every ounce of support and help we can provide if they are to have any chance of making progress.

I was saying that it would be good if the Minister indicated that he was thinking of moving in the direction I mentioned on access to support and mental health assessments. I recognise that such a request is beyond the scope of this amendment so I will leave it there.

The amendment simply asks that if the provision of adoption support services is included in the functions that will be part of the new arrangements as directed by the Minister, such support services must include fair and reasonable access to support identified in any assessment. Otherwise, the child and his or her parents are being short-changed. They are permitted an assessment to determine what is wrong when they are not entitled to the help or support that might put it right. That seems to be a glaring omission—not one for which the present Minister should be held responsible but one that he, in his current position, has the capacity to do something about and put right. He could do that by accepting the amendment or by giving us his word that he will go away, look at the issue and propose a practical means of addressing it.

With all the focus on structures contained in this legislation on adoption, surely it is not too much to ask that there is some focus on the needs of the child. I hope that the Minister takes this opportunity to right a wrong and strengthen his legislation and the life chances of the very children we are all concerned about. The purpose of the amendment is to ask him to look at that.

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope. Amendment 9 is about ongoing support for families who adopt. There is a danger that a successful adoption placement is often considered the end of the story when it certainly is not. Although it is wonderful when a child is placed with a new family, we should never fool ourselves into thinking that their story ends there or that the case is closed. Matching a child or children to their adoptive parents begins with a paper match when the profiles of the adopter and the child are perceived to work, but a real assessment of that match can only happen when the introductions begin. No matter how well a child is matched to their adoptive parents, the process of bonding is never easy and there will always be challenges. Likewise, for adults who adopt, the difficulties of parenthood are joined by extra challenges when they have not lived with the child from birth. If that child has been attached to multiple foster-carers, they will take even longer to attach to their new family.

Children who have experienced instability in early life and have been through the care system are more likely to develop mental health issues. About 45% of children in care experience a mental health disorder, compared with 10% of the general child population. In the worst-case scenario, those combined factors can lead to adoptions breaking down and we should do everything that we can to avoid that, which is why it is essential that families who adopt get the ongoing support that they need after the adoption process is completed.

As my hon. Friend the Member for Birmingham, Selly Oak said, needs assessments for families detail the support that is needed but, in practice, those assessments are often stored away in a filing cabinet and the support is never provided. A family in one area may get ongoing counselling and support but another family with the same rights, who have a child with similar, or even more, needs receive nothing. That kind of inconsistency is just not acceptable and it is bad for families.

It is in no one's interests for an adoption to break down. The local authority will have put years of work and substantial resources into finding an appropriate

placement. Breakdown is the worst-case scenario. For many more children, the transition into their new home is made more difficult than it should be.

There is a gap in post-adoption services. Just as proper support services can prevent family breakdown and the need for adoption in the first place, ongoing support can prevent adoptions from being disrupted and can keep families together. The Bill needs to reinforce the responsibility of local authorities to meet the needs of the adopted children and their parents, which is why I am supporting the amendment.

Bill Esterson: I, too, have my name on amendment 9. I want to comment briefly on the identified support needs of adopted children.

As my hon. Friend the Member for South Shields said, there is often a lack of services for supporting mental health problems. Perhaps the Minister will take on board her well-made point about the need to improve child and adolescent services, particularly for children who end up in the care system. For those of us who have adopted children, the lack of ongoing support can make the process even harder. From personal experience, I can say that the promise of ongoing support by the placing authority is not the same as its delivery once the child is adopted.

An area of concern that has recently come to my attention is the damage done by alcohol consumed by mothers during pregnancy. The damage caused to babies by foetal alcohol spectrum disorders can continue for their whole lives, as the brain damage is irreversible. In this country, we are only recently coming to realise how much of a problem foetal alcohol spectrum disorders are. One estimate is that 7,000 children are damaged each year in that way, but the true figure may be much higher. The all-party group on foetal alcohol spectrum disorders was formed just two days ago—I happen to be its chairman. [HON. MEMBERS: “Hear, hear.”] Thank you. I urge all Members to follow our work in raising awareness and attempting to improve support. A high proportion of the children who are damaged by alcohol during pregnancy end up in the care system, and a significant number end up being adopted. The members and supporters of the Foetal Alcohol Spectrum Disorder Trust and other groups that are supporting the APPG are often people who have adopted children who have been damaged by alcohol during pregnancy.

There is a need for better identification—that is certainly true in the context of adoption—and for much greater support. The evidence I have seen shows that behavioural problems among children who end up in care or being adopted, with which we are all familiar, are far worse among children who have foetal alcohol spectrum disorders. I want to draw the Minister’s attention to that serious problem. The problem is not growing, but awareness of it is, so perhaps he will refer to it in his response.

Amendment 12 states:

“the Secretary of State shall consult children who have experience of adoption functions, adopters and such persons as he considers appropriate.”

I think that we mentioned in passing on Tuesday that we may have been remiss in not hearing evidence from children and young people. I repeat that comment now. It would have been a good idea had we had written or, in particular, oral evidence from children and young people themselves.

2.45 pm

While I am mentioning all-party parliamentary groups, I point out that there is the well established all-party group for looked-after children and care leavers and the all-party group on adoption and fostering. Both groups have a long established practice of taking evidence. I think that the Minister was either joint chair or vice-chair—

Edward Timpson: I chaired both.

Bill Esterson: I thank the Minister. He chaired both groups, so he is well aware of the good practice over a number of years of taking evidence from children and young people.

Caroline Nokes (Romsey and Southampton North) (Con): I commend the hon. Gentleman for the work that he has done, through various all-party groups, for looked-after children or children in the care system. He will have listened to evidence from care leavers as a member of the Education Committee in the previous Parliament. Does he agree that it is not simply children currently in care who need a voice, but those who have recently left it?

Bill Esterson: The hon. Lady is absolutely right. We served together on that Committee in the previous Parliament. We held inquiries into leaving care and the quality of 16-to-19 care options and, indeed, a further inquiry into residential care. Previously, there was an inquiry into child protection. All those things are in the space that we are discussing under this aspect of the Bill and all will probably lend themselves to slightly fuller discussion under some of the other amendments. She is right to say that we should listen to what those who have left care have to say about their experiences. The experiences and life chances of children and young people who end up in the care system, whether they go on to be adopted or, we hope, into other forms of permanence, are affected very much, and for the same reasons. As parliamentarians looking to get this right for that group of children and young people, we should take every opportunity to listen to what children and young people and in particular, as she says, care leavers have to say.

Mrs Flick Drummond (Portsmouth South) (Con): May I make this point while we are talking about children and, in particular, adopted children? There should be some flexibility in relation to the visits by social workers after the adoption, particularly in the early days, because quite often the social worker’s visit creates the fear that they might be taken away again. We need flexibility on how this is done, which is why I will not support the amendment. There needs to be a wide variety of ways for local authorities to perform the function. I know from personal experience that children get very upset if they think that there will be frequent visits by social workers or there are laid down guidelines. I would like to see much more flexibility.

Bill Esterson: Yes, and I realise that the hon. Lady has her own experience of these matters. When social workers become involved, which from time to time is right and proper—I am sure that she was not suggesting otherwise—

[*Bill Esterson*]

what is important is continuity and that relationships between children and social workers and between families and social workers are, as far as possible, built on a basis of trust and longevity. A breakdown in trust between children and adults is one of the problems that lead to challenges as children grow. Often, what one social worker or professional may say to a child is contradicted by subsequent events. It is very important—I know that the Minister is aware of these matters—

Steve McCabe: I am very conscious of the point that the hon. Member for Portsmouth South has just raised. I simply want to suggest to my hon. Friend that, of course, consultation does not have to mean a social worker visiting someone's home. In fact, that is a classic old-fashioned social worker view of consulting someone. Consultation could mean a variety of models employed by social workers or others to ensure children who have particular experiences can share them with the rest of us, so that we learn and do better next time.

Bill Esterson: My hon. Friend is of course right. There have been suggestions about how to ask children for their views without putting them in a situation where they are uncomfortable or stressed, as the hon. Lady indicated. Good practice can be taken on board; I know the Minister is aware of some of that good practice, so perhaps he can refer to it in his closing remarks. I want to draw attention to the fact that the amendments raise important issues about a child-centred approach that takes in such considerations. I am pleased that we have been able to discuss them in this way. I look forward to his response.

Edward Timpson: I would like to speak to amendments 9 and 12 and proposed new clause 1. As we have heard, the amendments concern the functions that can be included in a direction, in particular about the adoption support function. The new clause would require the Secretary of State to report on the fitness of agencies to deliver the functions. Amendment 9 would add “support identified in needs assessments of adopted children” to the list of functions that can be included in a direction under the new clause. Amendment 12 would require consultation with children, adopters and other relevant people before any amendments to the type of local authority functions that could be included in a direction. The new clause would require the Secretary of State, before giving a direction, to commission and publish a report on the fitness of the authorities and agencies that he or she intends to direct. It would also require the assessment to consider specifically agencies' ability to deliver support for education and adult employment for adopted children, mental health assessments and support services, and matching services.

I am grateful to the hon. Members on both sides who contributed to the well-informed debate on the amendments. I can understand the reasons why the amendments were proposed; it is certainly imperative that we ensure that the list of functions that regional adoption agencies can deliver is the right list and, as the Committee would expect, I wholeheartedly agree with the ambition to ensure that those carrying out adoption functions are fit to do so. That is particularly true when it comes to the needs of adopted children and their families for good, timely adoption support services.

Let me turn first to that last point, which is particularly raised by amendment 9. The amendment would add the wording proposed to the list of functions that can be included in a direction under the new clause. The amendment seeks to ensure that local authorities are under a duty to provide the adoption support identified in the needs assessments of adopted children. I should note that the wording does not describe an existing function and therefore it cannot be added to a list of functions in the way proposed. The clause already enables the general adoption support function to be covered in any direction. However, I fully appreciate the hon. Members' reasons for proposing the amendment and seeking to ensure that local authorities are under a duty to provide adoption support identified in needs assessments of adopted children. As the hon. Member for South Shields said, we can all see the strong moral argument for providing high-quality support to children and families who are dealing with the impact of early abuse and neglect. There is also a strong financial imperative, for obvious reasons.

It is in no one's interests for adoptive placements to falter, or even break down, in ways that could have been avoided had good support been available at the right time. I know from my family's experience of adoption that unless there is support and a good assessment of the needs of not only that individual child but the family coping with the fallout from that child's early life experiences, it can cause unnecessary harm and damage to the prospects of that family. It is also the support that will best ensure that the underlying causes that have created the behavioural difficulties, outbursts or friction in the family are understood and dealt with.

That is precisely why I was determined to establish the adoption support fund, which rolled out this year. We are providing more than £19 million of funding to support adopted children and their families. That means that when local authorities assess the needs of adopted children they can now draw on the fund to provide a wide range of support services. I am delighted that already more than 250 families have been supported through the fund since it began in May, accessing around £1.5 million of the overall funding pot.

As I argued during the passage of the Children and Families Act 2014, I believe that the adoption support fund is a better solution to the ongoing challenge of meeting the needs of adopted children and their families, compared with imposing a duty to provide on local authorities. By adding significant extra money into the system, the fund will help both to improve access to adoption support services and build provision of those services. It will enable local authorities to assess properly and not be tempted, as they could be under a duty to provide, to under-assess, and do it consistently in the knowledge that there is an additional source of funding to pay for packages of support.

In addition, we expect that the fund will help to stimulate the opportunity for adoption and support providers to grow by acting as a commissioner of services. Those benefits would not have been realised through a duty to provide.

I shall take this opportunity to share with the Committee one of the stories that have already started to emerge from the adoption support fund, about a family that has benefited. The family said that Jacob had settled really well into his family but, as a result of experiencing

parental drug use, domestic violence and neglect in his birth family, he had been having some emotional problems at home and school. An application was made to the adoption support fund and, as a result, Jacob, his mum and dad are taking part in a course of Theraplay. The money provided by the adoption support fund has meant that the therapy has been able to happen quickly in their home town and is delivered by a worker whom they trust. That opportunity has had a significant impact on the family and it means that Jacob has the best chance to settle into his school and continue to be loved and secure in his family. That is exactly the sort of outcome that we hoped for when we set up the fund at the beginning of last year.

Mrs Lewell-Buck: I really welcome the fund. In discussions around establishing the fund, did the Minister consider that a lot of these children have mental health needs and issues prior to adoption? Was no consideration given to putting money into services that could help the children before they were adopted, as opposed to once they are adopted?

Edward Timpson: The hon. Lady is right to highlight the role that mental health plays in the lives of many children, not only those who are adopted but in the care system. I was struck when growing up by how many children, sometimes very young, were displaying what I now know to be the impact of mental health problems. The role of mental health in the therapeutic support that the adoptive families will need through the fund is very much part of what is on offer. We have a list of different therapies that are available through the fund, and that is kept under review to ensure that we have the right mix of therapies to meet the demand from applications to the fund. The greatest need and the main source of applications has been post-adoption therapeutic support.

We are struggling to see each other through the hon. Gentleman's head.

Kevin Brennan (Cardiff West) (Lab): Which way do you want me to lean?

Edward Timpson: Perhaps the hon. Gentleman could lean to the right. If he leant to the right, he could come and join us.

3 pm

It is really important to understand the impact on families where the support is not in place, including around mental health. Of course, local authorities have a duty to provide an adoption support service, which includes the pre-adoption process. The £200 million injection that I spoke about earlier into local authority adoption services has helped to try to ensure that some of that early work is done so that by the time a child is adopted, time has not been wasted in trying to deal with some of their underlying issues.

Kevin Brennan: It is quite hard for me to see the Minister, too, because of the halo around him, which is the result not only of the praise that has been heaped on him during the debate, but of the light behind him. He has characterised the situation as though the duty and the fund were mutually exclusive. Is it not possible that the duty might complement the fund?

Edward Timpson: We want to establish a clear route to fund the assessed need of support, and the adoption support fund is relentlessly focused on achieving that. I alluded a few moments ago to the fact that when we were considering the best way forward for post-adoption support, we heard concerns to the effect that if there were simply a duty to provide, irrespective of what funds were available, the normal approach from local authorities through assessment would continue and the problems of under-assessment might still prevail. I understand the point that the hon. Gentleman is making, however.

I see our approach as incentivising good practice rather than simply saying to local authorities, "This is what has to be done." It has enabled some innovation in how local authorities approach such issues, and they now draw from a wider area of expertise to find the right service for each child. The approach is in its early stages—the fund has only been established for a few months—but we have already seen that it is beneficial for many families, because of the flexibility that it gives to local authorities, both through the assessment process and in how they work with families to understand exactly what they want to apply to the fund for.

I turn to amendment 12. I understand the desire for consultation before the making of regulations that would change the type of local authority functions that could be included in a direction. I reassure the Committee that I am firmly committed to taking into account the views of children, adopters and local authorities when we develop our approach in this area, and I am happy to put that commitment on the record. Only yesterday, I had the opportunity to meet the new Children's Commissioner, Anne Longfield, to discuss how, through her good offices, I can continue to have a dialogue with children from all parts of the care system. As Minister for Children and Families, I continue to meet regularly with children who have experience of adoption, with care leavers and with those who are still in care. That is an important part of developing a full and rounded understanding of the approach needed to make a real difference for those children.

Steve McCabe: In my zeal to comply with the strictures of my Whip and stick to the timetable, I omitted to mention amendment 12 in my earlier comments. Such is the power that the Whips exert and the fear that they inspire. Since the Minister is addressing the point, may I ask a question that is also pertinent to the point that the hon. Member for Portsmouth South raised? The Minister says that he is committed to ensuring that young people and parents are consulted. Will he say something about how that will be transacted? We all run up against the classic local authority model of consultation, which is rarely very satisfactory, in my experience. It certainly does not set out to involve the kind of people we are talking about. Will he say something about how he will ensure that we hear the views of those people, who have real experience?

Edward Timpson: I assumed that the hon. Gentleman did not refer to amendment 12 because his argument was so strong that he did not think he had to make it. I took the opportunity to respond to the amendment, but I thank him for his clarification. I have set out the direct

[Edward Timpson]

conversations and dialogue that the Department and I have with children and young people, which is an important part of the consultation.

In relation to decisions on adoption, adoption support and the functions there may be in any part of the country, we have the Adoption Leadership Board, which comprises the Association of Directors of Children's Services, Adoption UK, the British Association for Adoption and Fostering and others. Each region has its own leadership board. Those charities and boards are excellent forums through which to elicit exactly that type of knowledge, so that when we consider the vision of adoption support, it reflects the needs and desires of the children who will benefit from the fund and the support that flows from it.

Crucially, the whole design of the regional adoption agency approach is based on the need of children, adopters and agencies to eradicate unnecessary delays and inefficiency. Successful matching relies on being able to access a wide range of potential adopters from the beginning. Operating at a greater scale will allow social workers to do that, which will help reduce delays. The evidence is overwhelming that delays in the system cause lasting harm to vulnerable children. As Professor Julie Selwyn found,

"delay...has an unacceptable price in terms of the reduction in children's life chances and the financial costs to local authorities, the emotional and financial burden later placed on adoptive families and future costs to society".

We will, of course, expect regional adoption agencies to factor in adopters' needs and views when they are developing their delivery and practice models. We are already demonstrating our commitment to ensuring that the voice of users is able to influence service provision in adoption. On top of the leadership boards, we are currently grant-funding Adoption UK to improve the adopter voice across the adoption system, and particularly to engage with agencies on a range of issues, including prospective adopters' experience of matching. We expect that learning to feed in to the development of regional adoption agencies. Having listened to hon. Members this afternoon, I will take the opportunity to discuss with Adoption UK and others how they can make the voice of adopted children somewhat more prominent in their work, so that we get as good a picture as possible.

Finally, I turn to the proposed new clause. I will not speak at length as I have covered a number of the relevant points, particularly about what we are doing to ensure strong adoption support to adopted children and families. As hon. Members would expect, I wholeheartedly agree with the ambition to ensure that those carrying out adoption functions are fit to do so.

I also agree that supporting adopted children through their education, into employment, in their mental health and in the original matching decisions is vital. I commend the hon. Member for Sefton Central on the formation of his new all-party parliamentary group on foetal alcohol syndrome because that remains a feature of the lives of far too many children and it needs to be tackled. I welcome his interest and look forward to hearing of the work of his group in due course.

I reiterate that the purpose of the adoption clause in the Bill is to ensure that adoption services are provided at the right scale and to a high quality.

Bill Esterson: I thank the Minister for his words about the APPG, and take the opportunity to invite him to give evidence to the inquiry that we will hold in the autumn.

Edward Timpson: I will look forward to receiving the hon. Gentleman's letter.

I firmly believe that the process of moving to regional adoption agencies provides opportunities to tackle the geographical barriers in the system and to build on existing strong practice while eradicating weaker practice. Our implementation approach, set out in the now seminal "Regionalising adoption" paper published last month, is clear that improving the way we deliver adopter recruitment, matching and support functions is a central aim of the programme.

Any directions that we issue to local authorities will be based on the need to form regional agencies that can operate on a more efficient and effective scale and deliver an excellent standard of practice. This is also an opportunity for authorities and agencies to innovate and consider the wider benefits of regionalisation, including, for example, the development of regional centres of excellence for therapeutic support, which agencies could make available to looked-after children as well as those who have left care through adoption. It is worth noting that local authority duties for adoption support remain unchanged, even if they are delivered through a regional model. We strongly believe that regional adoption agencies will improve children's outcomes, and we are delighted that many in the sector have expressed their support. There are many benefits to regionalisation, not least enabling children to be matched with their forever family more swiftly and giving providers the confidence to expand their adoption support services so that vital services are widely available and provide better value for money for the taxpayer.

We are determined to make this work. We are absolutely committed to working with all those who have an interest in developing regional adoption agencies, in order to ensure that the structure and quality of service delivery are set at the right level, and that voluntary adoption agencies form part of that solution. We will provide financial and practical support to those who volunteer to rise to the challenge of transitioning to new arrangements. If it proves necessary to use these powers, we will need to ensure that all new arrangements are fit for purpose. Agencies will, of course, continue to be subject to Ofsted inspections. The Bill includes a power for the Secretary of State to issue a direction to terminate arrangements, that could be used where there are concerns about a regional adoption agency.

I hope that I have provided reassurance, and in view of my earlier points, I urge the hon. Member for Birmingham, Selly Oak to withdraw his amendment.

Steve McCabe: I accept the Minister's technical analysis of amendment 9, which I have no desire to press to a vote. He understands what lies behind the amendment, and it seems that my concerns are shared across the Committee.

I have already congratulated the Minister on the adoption support fund. I assume, from what we have heard today, that he intends the fund to continue, at least for as long as he is in this post. The fund is great, but is he absolutely sure that all families are sufficiently clear about how to access its benefits? Some of the feedback I have had suggests that that might not be the case. Will he reflect on that and share his thoughts at a later time?

I am grateful for the Minister's comments on amendment 12, which I also have no desire to press to a vote. I accept his assurances and was pleased to hear his commitment to exploring further how children's voices can be heard in this process. I have been struck by how often I come across people who say, "No one ever listened to me. No one ever asked me. If they had, I might have told them they could have done it differently." No matter how long we have been in these roles, I come across that constantly, and it is very important.

In my zeal to get through this grouping, I managed to skip over new clause 1. That is extraordinary, because I normally like to talk for as long as possible. I presume, Mr Chope, that we will vote on new clause 1 later, but I am grateful for the Minister's comments on it.

What attracted me to new clause 1 is a point made in the Barnardo's briefing that I mentioned earlier—namely, that we provide support and access to personal advisers for people leaving care up to the age of 25, provided they are in education or training. That is extraordinary, because the very people we would think need extra support and advice are those who are not in education, employment or training. The purpose of new clause 1 is to make that support available for those who have been adopted. I would like to see that as an option for people in any kind of permanence arrangement. I am not saying that people who have made it into education or training do not continue to need support, but they are at least on a ladder and have some potential. We should be preoccupied with the people who are dropping to the floor. That is the purpose of new clause 1, but we will return to that at a later stage. For the time being, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

3.15 pm

Steve McCabe: I beg to move amendment 10, in clause 13, page 8, line 38, after subsection (4) insert—

() The Secretary of State shall make arrangements for the independent inspection and monitoring of the functioning of arrangements resulting from a direction under subsection (1).

() Where an independent inspection or monitoring report raises serious concerns about the functioning of arrangements subject to a direction under subsection (1), the Secretary of State must consider whether to exercise his power in subsection (4).'

This amendment aims to ensure scrutiny of new arrangements established by Ministerial Direction and promotes remedial action where the results of scrutiny raises serious concerns.

I am glancing at the clock and the Whip—I will attempt to make some progress. The amendment is relatively straightforward and I hope that there will be no need to press it to a vote, although that depends on the Minister's response. The purpose of the legislation is to change the arrangements covering the provision, management and performance of our adoption services. The Minister has been clear at various stages about his aims, so we do not need to go over that ground again. However, we do not know how any new arrangements

will be monitored. I assume that such arrangements will be subject to Ofsted inspection, but will the Minister confirm that?

At present, adoption arrangements in a local authority are monitored as part of a whole authority inspection process. Given that the new arrangements are likely to include the formation of consortia with more than one local authority, and hopefully more than one voluntary agency and also perhaps other bodies, what will be the monitoring and inspection arrangements? I hear the Minister when he stresses that he does not want a one size, one shape fits-all solution, but it seems likely that we could end up with quite a large number of regional groupings: earlier today I pointed out that in Wales 22 local districts had morphed into five regional agencies.

I am curious to know how much variety we are likely to see in England. Will the Minister tell us a bit more about exactly what will be inspected and how it will be inspected? Given the variety I referred to, what plans does he have to make comparative judgments on performance and behaviour possible for what could be quite different types of consortia?

It is not really in my nature to anticipate the worst outcome; I generally like to look on the bright side of life, but it seems to me that part of our job in scrutinising the legislation is to ask these basic questions now, so that we have a clear idea about who the new agencies will be accountable to and how their work will be monitored and inspected. That is not least because, like Dr Homden from Coram, I want to know about excellence for children. I want to know about the practice that is really making a difference, and I want to know that we are identifying and spreading that practice so that we really succeed in improving the speed and quality of the adoption process.

When we embark on new ventures, we find that they do not always go according to plan. The Government of which I was a member had problems with some of their reorganisations, and the previous Government did not exactly carry out the health and social care reorganisations without difficulties. As we will hear later, there are concerns that the Government's academies and free schools programme is not always adequately monitored, which has led to what we think is a rather dilatory approach to problems in certain schools and in certain areas. I am anxious to help the Minister to ensure that we do not run into those kinds of problems with this adoption Bill. I want to know, in the event of something going seriously wrong, that the Minister will have access to all the necessary information, and sufficient powers to intervene before the problems or difficulties escalate.

Ministers often find it relatively easy to identify problems caused by people in other organisations—that is true of Ministers of all parties and Governments, and their civil servants—and they are good at offering up solutions to remedy those problems, but they have a remarkable blind spot when it comes to problems or difficulties of their own making or the unforeseen consequences arising from their own initiatives. We do not want that to happen here. We want the Minister to succeed in what he is trying to do. If there are problems—if things go wrong or do not work as anticipated—it is important that we know that there are clear lines of accountability, high-quality monitoring and inspection procedures and a range of actions available to the Minister to put things right. That is what the amendment seeks to identify.

[Steve McCabe]

I anticipate that the Minister will want to tell me about the technical deficiencies of the amendment, so let me say in advance that I am trying very hard to spell out clearly its purpose. I hope he can offer satisfactory reassurance on this matter, which would go a great way towards relieving my concerns and those of my colleagues. A significant number of agencies and bodies have raised this issue with me during our discussions on the Bill. I look forward to hearing the Minister say that he understands those concerns. I hope he is as anxious as I am that my mind is set at rest.

Edward Timpson: I am grateful to the hon. Gentleman for the amendment and for raising the important issue of how the new regional adoption agencies will be held to account. I assure him that I will dwell not on the technical difficulties of his amendment, but on how the regional adoption agencies will be held to account. First, they will be held to account through Ofsted. The same accountabilities that apply to local authorities and voluntary adoption agencies will apply to the regional adoption agencies.

Like the hon. Gentleman, I am a glass-half-full sort of person. Although I fully expect that regionalisation will result in better, higher-quality practice and adoption, if the performance is not good enough and children are being let down, the Secretary of State will not hesitate to use the powers available to her to take action where necessary, as she does under the current arrangements.

To extrapolate, the new regional adoption agencies will be inspected by Ofsted. Legislation already requires all adoption agencies to be inspected, and the regional adoption agencies will be treated no differently. We will expect Ofsted to inspect the new agencies themselves, as it does with voluntary adoption agencies, and look at how the local authorities attached to the agencies are working with them to ensure the best possible outcomes for children. We will continue to work closely with Ofsted to ensure that the way this works in practice is robust and proportionate.

Steve McCabe: I do not know whether I am labouring the point, but I am genuinely curious to understand it. There are two slightly different inspection processes at present: the agencies are inspected and the local authorities have their adoption functions inspected as part of a wider inspection process. Given that we will now have regional adoption agencies, which will bring together several voluntary bodies and local authorities, which inspection process will be applied? Will there be a complete inspection of a regional adoption agency, or will part of it be subject to an inspection and part reliant on the former model of inspecting local authorities?

Edward Timpson: As I have set out and as is already the case, an agency, as in a voluntary adoption agency and in future a regional adoption agency, has its own inspection of its service. In addition, there are inspections of children's services, including any in-house agency, and that covers how a children's service is working with that aspect of the service that it is providing through the agency. Furthermore, if a voluntary adoption agency is carrying out those functions on behalf of a local authority, the working relationship between the authority and the

agency and how well they are working together will form part of the children's services inspection. So we are trying to ensure that there is no over-inspection or duplication, but still a clear focus on every aspect of the individual functions and of the agency or local authority carrying out the function.

We will continue to work with Ofsted to ensure that we get things absolutely right. The Adoption Leadership Board will continue to collect and publish quarterly data on the performance of the adoption system, so that we can identify over and above what Ofsted inspections are telling us about where there is excellence, thus helping to spread it more widely across the system. We will be able to see where aspects of the service are not up to scratch as well. If a regional adoption agency was found to be failing, the Secretary of State would consider how best to bring about an improvement with all the powers at her disposal and where necessary.

Steve McCabe: Again, I am trying hard to visualise how that will work in practice. Each regional agency will in effect operate as a single entity, but from what the Minister says the voluntary components will be subject to an inspection, but the local authority will be inspected as part of the children's services inspection, with some kind of bridging operation to see how well they work together. What will happen if the voluntary part of the entity is revealed to be working well, but the local authority component has significant problems? How will he intervene then?

Edward Timpson: No, the comparison that I was seeking to draw is with what happens now: a voluntary adoption agency is inspected as an individual agency and the children's services inspection includes the local authority's relationship with the voluntary adoption agency that has taken on the authority's functions. Substitute "voluntary adoption agency" with "regional adoption agency" and I am talking about the same type of inspection—within a regional adoption agency, the voluntary part and the local authority part are not differentiated, so it is an entity in itself.

Regional adoption agencies might all have a different form: the adoption functions under the Bill might be taken on by one local authority on behalf of a whole region, by a voluntary adoption agency or by a newly created consortium agency. The inspection regime that happens now for a voluntary adoption agency and for what is done in conjunction with a local authority is what is anticipated will happen in future. We are ensuring, by working closely with Ofsted, that we get that absolutely right, so that everyone is aware of who has responsibility for what, who will be accountable for what and how that inspection will work. I am happy, as ever, to continue to provide the hon. Gentleman with details of the inspections that will take place once we have completed our discussions with Ofsted. That is certainly the position now and the one that I anticipate for the future.

3.30 pm

This is clearly an important aspect of the new system. We have made clear in our paper that we are ensuring that voluntary adoption agencies, as much as local authorities, get a bigger opportunity to play their part in forming regional adoption agencies. It is only right that they are also held to account as part of a regional

adoption agency in the way that I have described. I hope that provides the hon. Gentleman with a clear sense of direction on inspections. They will take place on regional adoption agencies by Ofsted. On that basis, I ask him to withdraw the amendment.

Steve McCabe: I am grateful to the Minister for his offer to keep us updated on the progress of his negotiations with Ofsted. As I suggest in the amendment, it is not that I want to imagine the worst will happen, but this is about the process. We have all witnessed problems in recent years with children's services. Many local authorities get very poor children's services ratings, but if the adoption element were assessed on its own, it would probably be quite favourable at times.

Trying to understand how these new arrangements will work is important, which is why I have stressed the point. I acknowledge that voluntary agencies regularly have outstanding assessments from Ofsted. We do not see much of that in relation to local authorities. We are anxious to discover that the inspection process will be fit for purpose, that the good parts that exist in the system will be preserved and that we will develop from them the very thing that the Minister refers to in his "Regionalising adoption" paper. We are anxious not to end up with a lesser monitoring and inspection process that drags down good practice and allows other parts of the system to disguise their deficiencies and weaknesses. That concerns me, and I ask the Minister to keep a sharp focus on it. There is little purpose in pressing the amendment to a vote, so I beg to ask leave to withdraw it.

Amendment, by leave, withdrawn.

Steve McCabe: I beg to move amendment 11, in clause 13, page 8, line 40, at end insert—

() When giving a direction under this section, the Secretary of State must publish a statement stating his satisfaction, or otherwise, that the outcomes of the proposed arrangements are consistent with arrangements in place across the whole sector."

This amendment is aimed at establishing that adoption functions would remain fully integrated within regional agencies responsible for all permanence arrangements for children, such as fostering, kinship care, returning children home and post placement support.

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

Amendment 25, in clause 13, page 8, line 40, at end insert—

(5A) Before making a direction under subsection (1), the Secretary of State must consider, and lay a statement before each House of Parliament about, the impact of the changes proposed within the direction on—

- (a) each relevant local authority's existing provision in relation to—
 - (i) adoption,
 - (ii) foster care,
 - (iii) other potentially permanent placement solutions, and
 - (iv) other social services for children, in particular where delivered by multi-disciplinary teams, and
- (b) the consistency of provision of mental health services to children within the relevant client group affected."

This amendment arises from oral evidence taken by the committee, and would require that, before giving a direction, the Secretary of State takes account of, and reports on, potential impacts of his required changes on the wider landscape of children's social, and mental health, services being provided by the target authorities.

Amendment 26, in clause 13, page 8, line 41, at end insert—

(6A) Prior to making any directions under subsection (1), and within 12 months of this Act coming into force, the Secretary of State shall commission an independent evaluation of the matters under subsection (6B) and shall lay the report of the evaluation before each House of Parliament.

(6B) The evaluation under subsection (6A) shall consider—

- (a) the extent to which directions under section 3ZA should avoid creating any presumption that adoption is automatically the most desirable solution in the interests of any child,
- (b) the extent to which directions under section 3ZA should be consider all permanency placement settings, including (but not limited to) foster care, residential care and kinship care, and
- (c) the extent to which directions under section 3ZA, or alternative steps and measures, might be used or designed to intervene earlier in the lives of children, mothers, young people, and families as a whole, to prevent or avoid children having to leave their natural family setting."

This amendment arises from oral evidence taken by the committee, and would require that, before considering directions, the Secretary of State must seek independent advice on options for a more holistic approach to permanency and a more preventative approach to family breakdown.

Steve McCabe: I confess that when I first drafted this amendment, I sought to include the words "special guardianship orders", "fostering", "kinship care" or "a return home" because I was anxious that somewhere in the Bill we had the opportunity to debate those matters that so many people feel have been missed as a consequence of the Government's decision to draw this legislation so narrowly. I think that the subsequent amendments address those points.

We heard Mr Elvin say that the most significant change he would like to make to is to substitute the word "permanence" for "adoption" throughout the Bill. Mr Andy Leary-May suggested to the Committee that the problems with finding suitable foster parents are similar to those associated with finding suitable families for adoption. Mr Thornbery of Adoption UK told the Committee that we needed to move from a focus purely on adoption agencies to looking at the broader issue of permanence arrangements.

For all the Minister's good intentions, this is what he risks getting wrong with the Bill. As the Court of Appeal indicated in its 2013 judgment, *Re B-S (Children)*—the case was that of a mother seeking leave to oppose the adoption of two of her children—a court must consider all available options when coming to a decision, and evidence, including a proper analysis for and against adoption, must be presented to the court.

As Mr Elvin suggested in his evidence, by separating adoption from other forms of permanence, the Government risk elevating it to a special status of greater importance. That would make it difficult to comply with the requirements of the courts. We must surely ask how one model of permanence—one that, as we know, accounts for about 5% of the children in the system—can be of much greater importance and significance than any other. Surely, in each case, we want a permanence arrangement that is in the best interests of and affords the greatest prospect of a secure and loving family environment for that child or those children.

[*Steve McCabe*]

My own experience is that that can sometimes be achieved with the child's natural parent or parents, but that often requires a lot of support from the authorities, and, as I said earlier, sometimes does not work out. That is exactly the point made by the president of the Court of Appeal in the judgment that I mentioned. Sometimes, there can be no realistic prospect of a return to the natural parent or parents, but there are wonderful examples of grandparents or other relatives—including older siblings, aunts and uncles—who take over care and provide a loving home for the child, allowing them to retain a family link and some cultural connections. We should value and promote those models of permanence just as much as adoption. Likewise, we should not underestimate the contribution of long-term fostering.

With the amendment, I therefore seek to ensure that, whatever arrangements the Minister decides to put in place for adoption, they do not happen in isolation, divorced from other models of permanence, with adoption as the Rolls-Royce model and all other options relegated to an inferior position. He has said little about his plans for other permanence arrangements, so I hope that he will respond to the amendment in the spirit in which it is intended and tell us briefly of his plans for those. I also hope that he will assure us that he values grandparent and other forms of kinship care just as highly as adoption and that the best interests of the child are at the core of all his ambitions in this regard.

I think that I have gone as far as you will allow me to within the scope of the amendment, Mr Chope. I hope that the Minister is clear about what I am asking him to consider, so I shall leave it there.

Bill Esterson: My hon. Friend finished his contribution by saying that whatever we do must be in the best interests of the child. His comment says everything about what we should do for vulnerable children and children who end up in the care system, whether or not they are adopted. Everything we do should be done with that in mind. The principle of paramountcy matters above all else. The interests of the child should come above the interests of any adult. That is why these three amendments are important. I put my name to amendment 11. It seems that I was slightly more fortunate than my hon. Friends on the Front Bench, in being allowed to use the term “foster care” in my amendment. My hon. Friend the Member for South Shields went further and managed to get “kinship care” and “residential care” in her amendment.

Mrs Lewell-Buck: Job done.

Bill Esterson: Indeed.

I have a sense that the Bill is a missed opportunity, and I said as much on Second Reading: it

“raises concern that adoption is being considered the gold standard”—[*Official Report*, 22 June 2015; Vol. 597, c. 647.]—

at the expense of other forms of permanence. That point has been put to me on a number of occasions. Let us bear in mind that only a very small number of children end up being adopted. The best way forward for the much greater number—in excess of 90%—of

children who end up in the care system is to be kept with their families, perhaps extended family, with special guardianship orders or in foster or residential care. It is a great shame that the Bill does not pick up on that. We heard in evidence that point being made in one way or another by a number of witnesses. Annie Crombie was probably the first witness to touch on it when she suggested that it is only right to think more broadly and not think only about 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.—[*Official Report, Education and Adoption Public Bill Committee*, 30 June 2015; c. 47, Q10.]

Most of her remarks were about adoption, but she also made that point.

The other witnesses spoke in more detail. When Andy Leary-May spoke about the challenges in adoption that the Bill was trying to address, he mentioned that there are barriers within fostering, too. The essence of his remarks was that, by focusing only on adoption, there was a danger of missing a

“large part of the picture”—[*Official Report, Education and Adoption Public Bill Committee*, 30 June 2015; c. 56, Q25.]

When I asked him and the other witnesses on that panel about the Bill's impact on other forms of permanence, he made the point that a number of local authorities have already created permanence teams and he expressed the concern that, unless the changes the Government are considering are carried out very carefully, they may create what he called “a separation”. I think that he was saying that there is a danger that we will damage existing services, and that is what my amendment seeks to avoid.

3.45 pm

Steve McCabe: Is it not the case, and the pertinent point of my hon. Friend's amendment, that if we continue to focus energy and resource on adoption to the exclusion of other permanence options—I am thinking of the £16 million for the expansion fund and the money for the adoption support fund—and if there is no move to permanence teams and we continue to focus the resource in this fashion, eventually people will conclude that adoption is the only option and the other options will wither on the vine because they will be squeezed out of the system?

Bill Esterson: There is a danger of that, and it is right to highlight the danger. The last thing I wanted to do in tabling the amendment was to undermine any good practice, and that was not what my hon. Friend was seeking to do, either. However, it is only right and proper that we express the concern that if all the focus, attention, energy and resources are directed towards something called adoption when that is not necessarily right for the child, other forms of permanence will not receive the same support and the best life chances for children and young people will not be provided.

We are all familiar with the very sad state of affairs that large numbers of children in care end up in the criminal justice system. They end up not getting good results at school. They find it difficult to establish stable relationships in adult life and find it difficult to get decent, well-paid employment. We have already talked

about the mental health problems that young people in care suffer. All those indicators, all those problems, start early in life. The damage is done in the early years, is it not? So we should invest in support for children and young people as early as possible to improve their chances later in life.

If we focus only on adoption, we are focusing, sadly, on the few. I certainly do not want that to be at the expense of the very many for whom, sadly, the end result is as I have described, despite a lot of investment, intervention and good work by dedicated professionals, volunteers and people who act as formal or informal carers, with the support of people in schools, the health service and beyond. There is massive investment and support over many years, yet there is a stubborn lack of improvement in the life chances of this group of children and young people, with a considerable cost not only to their life chances but to society. The cost of young people who end up in the prison system is enormous. We need to consider the numbers who come through the care system first. If only there was a way of reducing those numbers, it would make an enormous saving further down the line, so my hon. Friend is absolutely right to raise that point.

We heard evidence from a number of witnesses. I have quoted Andy Leary-May already when I was talking about permanence teams. He called for the Bill to look at other forms of permanence in full. Another witness, Andy Elvin, an experienced adopter, was able to give evidence from a personal perspective, and we should listen carefully to that. He made the point that we cannot overstate the importance of early, stable and permanent placements. He talked about concentrating not on one solution—the Bill refers only to adoption—but on permanency. When asked by my hon. Friend the Member for Cardiff West what change he would make to the Bill, Mr Elvin said that he would substitute the word “permanency” for “adoption”. Improving the outcomes in all permanence options would make a big difference. That improvement would make the legislation right. He said that this was not about adoption numbers but about increasing the quality of permanence. He spoke of the value of special guardianship orders and foster care, and urged us to consider how we, as a Committee, could help with those permanence options.

It is, of course, important that we do the best we can for those who are adopted. A number of Members have spoken about Julie Selwyn’s research, which showed that adoption is on the whole a very good thing for children. Hugh Thornbery, who also mentioned that research, made the point that while adoptive families struggle through tough times and survive them, adopted children still have very challenging needs. To paraphrase his evidence, it is clear that adoption offers a greater chance of stability, hence the low number of breakdowns in placements—3%—that we have talked about a number of times. However, if adoption is the solution for only 5% of children who end up in care, how do we ensure that we provide solutions that give the other 95% the best chance of permanence and stability, so that they can make the best of their lives and we do not end up with the poor outcomes that I mentioned for so many children and young people?

James Berry (Kingston and Surbiton) (Con): Does the hon. Gentleman recognise that the Government are, in fact, very concerned about all the different forms of

permanence? The Bill focuses on one such method—adoption—without in any way devaluing the other forms of permanence. It is appropriate to do so when, as Sir Martin Narey pointed out, there has been a massive decline in adoption since 1975.

Bill Esterson: We also heard evidence that there has been a worrying fall in the number of children being adopted recently.

Steve McCabe: Does my hon. Friend also recognise that Opposition Members have been pursuing the matter because this is the Government’s second bite of the cherry on adoption in less than a year? We have yet to hear the Government make proposals for other forms of permanence. It is fair to say that there has been a fall-off since ’75, but there has been a much more recent levelling-off of adoption. We need to know exactly what that is about. The danger of legislating in isolation is that we might not learn those lessons.

Bill Esterson: That is absolutely right. Whether it is about adoption or other forms of permanence, we have to find more people to come forward to look after children. In my experience, there are many things we could do to make it easier and more attractive. The issue of support came up in the evidence, for example. We need to improve support for adopters or others who care for the children who end up in the care system.

Kevin Brennan: Would my hon. Friend care to commend the Adoption and Children Act 2002, which dealt with measures to improve adoption, but also took the trouble to introduce—by amending the Children Act 1989—special guardianship orders? They should surely be included in any debate or legislation about adoption in order to get a proper picture of all the permanency options available.

Bill Esterson: Yes. We heard evidence from Andy Elvin about the increase in the number of children who are subject to special guardianship orders, so something is clearly working for those children, and he said that the outcomes were just as good.

We have 65,000 children in the care system, and we might have a piece of legislation that deals only with 3,000 or 4,000 children a year. Although it is important and right that we do as well as we can by those 3,000 or 4,000, we must do something for the other 61,000 or 62,000 as well. My worry is that this is a missed opportunity. It is a second missed opportunity, as my hon. Friend has reminded us. Perhaps the Minister will tell us when the Government will introduce equivalent proposals to address the support for the much larger group of children and young people—the 61,000 or 62,000—who are not covered by the provisions in the Bill.

Mrs Lewell-Buck: I would like to speak briefly to amendment 11 tabled by my hon. Friends and to my own amendment 26, which at this stage is a probing amendment.

I and my hon. Friends the Members for Birmingham, Selly Oak and for Sefton Central have said before that the Government treat adoption as a special case and focus on it at the expense of other approaches. There is a danger that clause 13 could go even further in setting

[Mrs Lewell-Buck]

adoption apart as a preferred option, relegating other types of permanence arrangements to second-order solutions. That would be a mistake.

At the very least, there is a danger that, because the reforms are applied to adoption services only, the process for adoption will be separated from other forms of permanence such as fostering, kinship care, special guardianship or long-term residential care. Such options exist because, as we all know, the job of finding a home for a child is never routine, and children's needs and family circumstances are far too varied for one single answer to be applied in all cases.

If clause 13 is to be effective, fostering and other arrangements need to remain properly integrated with adoption. We cannot have a two-tier system in which the process for adoption differs from that used for fostering or kinship care. That is a sure way to create a disjointed procedure and encourage confusion and delay.

Steve McCabe: I am grateful to my hon. Friend. I am particularly struck by subsection (6B)(c) of her amendment and the point she is making. We all receive from time to time communications from people who refer to forced adoptions. Often people talk about the tendency of social workers to select the youngest child in the family, perhaps the baby, and consider him or her for adoption, but not consider that option for other children in the family. I am curious about how that works and what drives social workers to make that kind of decision. Does my hon. Friend agree that it may be due, in part, to the fact that adoption has been separated from other forms of permanence?

Mrs Lewell-Buck: I thank my hon. Friend for his intervention. I will try to shed some light, from my practice, on why younger children are often separated from their siblings and placed for adoption. From my experience, when a child reaches three or four years old, they become, to put it bluntly, unadoptable. More often than not, adopters want babies.

4 pm

The difficulties of working in a fragmented way will make it harder to put in place arrangements that are right for children, so even more plans for them may be delayed. It is worth noting, as the chief executive of Adoption Link did on Tuesday, that some local authorities have taken a good decision to create permanence teams as part of their efforts to treat permanence in a holistic way. For teams that do not have a discrete adoption function, it could be difficult to integrate services with those of a neighbouring authority. If regionalisation is to happen, it would be far simpler to integrate services for all permanence arrangements, rather than just for adoption. That may be what the Department has in mind, but that is not clear in the Bill. We would welcome some additional clarity, which is why I support amendment 11.

Amendment 26 requires that, before issuing a direction under the Act, the Secretary of State must explore whether an alternative approach to family breakdown can be employed, with the emphasis on preventive interventions and a more holistic approach to permanence. I tabled the amendment because the Bill has a major flaw. It is not so much about what is included; I think

that hon. Members on both sides of the Committee have some sympathy with the intention behind the Government's adoption reforms. I am concerned about the lack of consideration of other aspects of children's services, particularly early intervention and child protection services, which, when effective, can make alternative permanence arrangements unnecessary.

Adopters do an amazing, incredible thing, giving loving homes to children who might not otherwise have had one, but adoption should not be our preferred solution. Where possible, it is always best to address fundamental issues at home so that children can stay with their birth parents or members of their wider family.

None of us expect social workers to work miracles, and inevitably in some cases families break down and adoption is the only option. I worked with many families in difficulty before coming to the House, and I know the difference that working closely with a family can make. That is why I am concerned that the Government's focus is on adoption, and they not only downplay other types of permanence arrangements but shift the focus away from child protection, where money and resources can do the most good.

In my opinion, investment in the beginning of a child's journey makes more sense. It can keep families together and save a great deal of emotional trauma, and it reduces pressure on the care system and the court system, which is why I feel that the focus of the Bill on adoption mechanisms is misplaced. We all want to see improvements to adoption, but that should not exclude improvements elsewhere. Part of the problem is that the drastic cuts to local authority grants in some areas have forced councils to cut back, and child protection services are tough to protect when some councils are struggling to keep the lights on.

In its current form, the Bill misses an opportunity to improve many different forms of permanence arrangements. Special guardianship, kinship care, fostering and residential care exist because no two cases are alike. They offer flexibility that helps to put a child in a situation that is right for them.

Focusing on adoption does not address the delays that occur earlier in the process. I remember working on some extremely labour-intensive cases. In one case, I assessed 11 potential carers to find the right placement for a sibling group. The process was much longer than it needed to be because our department did not have the resources that it needed and social workers were being pulled in so many different directions at once. Decisions on such cases took twice as long as they should have, despite my working evenings and weekends for months on end. The situation is not good for children, the care system, social workers or the courts.

Put simply, if permanence can either be ruled out or ruled in quicker, it is better for the child overall. If the under-resourcing of child protection services is addressed, that will go a long way to reducing the pressure on the system. However, the Government are doing just the opposite, with pressures on council budgets increasing the squeeze on children's services departments.

My worry is that a single-minded focus on adoption neglects those wider issues, which is why my amendment would require the Secretary of State to consider the importance of early intervention and child protection

services, as well as a more holistic approach to permanence. I hope that the Minister will explain why the Bill's focus is so narrow and what his Department will do to promote fostering, kinship care and other permanency arrangements, alongside adoption.

The Government need to be very careful not to see adoption reform as a cure-all, because deeper issues need to be addressed. Regionalisation of adoption can make a difference, but delays have many causes. Under-resourced child protection services stop social workers doing their job—working with families—and that means more breakdowns. As I have said, it also means more pressure on the courts and on the care system overall.

Recent surveys show that social workers are still overburdened with bureaucracy. Four years on from the Munro review, they report that nothing has really changed on the ground. By allowing the outsourcing of child protection services, so fragmenting the system, the Government are introducing more confusion and delay. Forcing adoption to regionalise will not solve those problems, but a comprehensive approach to child protection that reforms and invests in every stage of the process and gives social workers the resources that they need to work with families certainly can. I hope that the Minister, in his response, will look favourably on what I have said today.

Kevin Brennan: I do not want to detain the Committee for long, but it is important to note briefly, in view of what was said earlier, that these amendments are very much in the spirit of the Adoption and Children Act 2002, which I mentioned. The hon. Member for Kingston and Surbiton should realise that these vehicles do not come along very often and that it is important, when legislating, to look at an issue comprehensively, rather than pick out one part of a problem. The problem that we are addressing is that of permanency for children in this situation.

The 2002 Act was groundbreaking in many ways, because it attempted to widen the number of prospective adopters. For example, my hon. Friends and I introduced amendments that, on a free vote on the Labour side, granted for the first time the right for unmarried couples, including same-sex couples, to apply to adopt. There is a small but interesting piece of history: the then Leader of the Opposition—now the Secretary of State for Work and Pensions—whipped his troops to vote against that proposal, and it ended with the resignation from the Front Bench of the right hon. Member for Buckingham (John Bercow). That was the start of his pathway into the speakership, so these things sometimes have a strange impact.

The other thing that that Bill did was not just to look at adoption, but to try to look at alternative permanency arrangements, in recognition of the fact that the popular perception of adoption, even back then, was very different from the reality. The popular perception is that it is always about young babies being given up for adoption. Although that was very much the case in decades past, things have changed significantly. That is not really the picture that we see when we look at what kinds of children are adopted and at their ages. That is why the introduction in that Bill, through the amendment to the Children Act 1989, of special guardianship orders was a groundbreaking step. It is unfortunate that we have not taken the trouble to revisit that—I would be grateful to

the Minister if he explained why when he winds up—and looked at how we can strengthen other kinds of arrangements for permanency, given how important they are within the system.

Edward Timpson: I should like to speak to amendments 11, 25 and 26, which have been tabled by Opposition Members. I will come on to some of the matters raised towards the end of the debate, such as other routes to permanence. It is important to remember that clause 13 deals with the point at which the court has already made a decision to place a child for adoption, so we are not looking at whether that decision is right; we are accepting the fact that that decision has been made, but looking at what we need to do to improve the prospects of that adoptive placement being successful.

The amendments raise the important question how regional adoption agencies link to, impact on and work with other parts of the children's social care system, including other types of permanent placement such as long-term foster care, special guardianship and kinship care, as well as the provision of mental health services. Amendment 26 would require the Secretary of State to commission and publish an independent evaluation on, in effect, alternative options to a regional adoption agency that capture all permanency options and approaches to prevent children from having to be taken into care in the first place.

I will speak about this in a bit more detail later, but I agree with much of what the hon. Member for South Shields said about the early interaction of children and families with children's services and about making sure that from the earliest opportunity, the work that is done with them enables the child, if at all possible, to continue living with their birth family. That is clear not only in legislation—it was reiterated in the Children and Families Act 2014, which is underpinned by the Children Act 1989—but in the approach that we have taken through the innovation programme, which I will talk about in a little more detail later. In that programme, we seek to encourage much more work with families through family group conferences, the expansion of the family drug and alcohol court and other innovative programmes, to increase the prospect of children being able to stay with their birth family.

I thank hon. Members for raising the important issue of how we are reforming the care system and improving outcomes for all children. We share a determination to ensure that all children in or on the edge of care get the right support and decisions for them and their families and that, when children need to come into care, they are placed in strong, stable placements as quickly as possible, with the support that they need to thrive. It would be hard to argue against that approach.

I understand the desire for all permanency placements to be captured by the new regional agencies. The new agencies will have to work with other parts of the system to be successful. I assure hon. Members that our intention with this legislation is to bring down barriers to effective working, not to create new ones. However, there are clear reasons why we are proposing the power to direct regionalisation for adoption services specifically and why that is not necessarily the best approach or the priority for other parts of the system when the decision has been made on where the child's future lies.

[Edward Timpson]

It is often noted that the number of children in the care system who go forward for adoption is small—a point that was made by the hon. Member for Sefton Central—relative to the number of looked-after children, which is why regionalisation is particularly appropriate for adoption services. The fact is that the adoption system remains highly fragmented relative to the number of children and adopters involved. As I said earlier, we have about 180 different agencies recruiting and matching adopters for approximately 5,000 adoptions a year, so the agencies are not benefiting from economies of scale; but worse, the localised nature of the system acts as a barrier to effective recruitment, matching and support. That is starkly illustrated by the fact that 3,000 children are still waiting for forever families.

4.15 pm

Put simply, we do not think that such a heavily localised system can deliver the best service to children whose plan is for adoption, which is why we need to increase the scale at which adoption services are delivered. Local authorities and voluntary agencies joining forces and working together will give regional agencies a greater pool of adopters, which will enable them to match children more swiftly and successfully with their new families, while ensuring that vital specialised support services can be commissioned and delivered at a viable scale.

Permanence routes that operate at a greater scale in local authorities, such as fostering, do not face the same issues. Furthermore, the geography is different. Placing a child with an adoptive family that is geographically distant is not generally problematic and can often be in the child's best interests, as Sir Marin Narey said in his evidence, but placing a child in long-term foster care at a distance, or trying to support a return home or a request to live with a kinship carer at a distance, could be extremely challenging for the agency and not good for the child or the family. It is vital that we keep thinking about other types of system change that could improve permanence for all looked-after children. However, regional agencies are the right solution for the challenge of securing and supporting adoptive families.

I do not want to force a one-size-fits-all solution on all forms of permanent placement. However, if authorities are interested in bringing together other permanence services—some have already begun to do so—they have that freedom. Many already collaborate, and about 20 regional or sub-regional fostering consortia are operating in England. In our paper, “Regionalising adoption”, we purposely raised the possibility of collaboration across a wider range of services. If agencies put forward an innovative proposal—for example, on regional hubs—and show convincingly how regionalisation could have a positive impact on other groups of children, I would be delighted to consider it. I should reiterate that regional agencies will not be making the decision about whether a child should be taken into care or adopted. That decision will continue to sit with the local authority, which is responsible for determining the child's care plan in the best interests of the child.

Much has been made, not only during the passage of this Bill but during the passage of the Children and Families Act 2014, of what the hon. Member for South Shields described as a single-minded focus on adoption.

We need to be clear about this, because there is a danger of creating a false dichotomy. Just because we are doing something on adoption does not mean that we cannot be doing something elsewhere to improve the lives of children in care.

My parents were not only adoptive parents, but short, medium and long-term foster carers and kinship carers. They managed to do all those things at the same time, so I am sure that, as Minister, I am capable of dealing with these issues at the same time. That was borne out by the coalition Government's efforts to improve the care system and the routes to permanency and to provide support for looked-after children.

We created the pupil premium plus and invested more than £100 million in supporting the education of children, including those who are subject to a special guardianship order or a child arrangements order. We introduced a new legal framework for long-term foster care. For the first time, there is a legal definition of long-term fostering, which provides greater permanence and stability for children in that type of placement. We gave greater delegated authority to foster carers, who for a long time have been concerned that it is difficult to create a normal family environment for the children who are placed with them.

We introduced the staying-put duty for local authorities, to allow those who are fostered to remain with their foster carers up to the age of 21, which had been requested for a long time. It has been extremely successful in its early stages, and I am sure we will come back to it at a later date. We placed a new duty on local authorities to appoint a virtual school head, so in every council there is someone responsible for improving the educational attainment of all the children in care. We provided substantial funding to research projects to understand what improves support for children returning home, about which we still do not know enough. We strengthened the quality standards for residential care. We made the Ofsted inspections of children's homes much more robust.

We created the children's services innovation programme, which is giving £100 million directly to the local authorities and voluntary organisations that come forward with the most innovative and creative approaches to delivering children's services. Those approaches include—I hope that this reassures the hon. Member for South Shields—encouraging closer working with families who want to have a child returned home but would find it difficult without a certain type of intervention. We are funding Tavistock and Portman NHS Foundation Trust to the tune of more than £3.25 million to create a national family drug and alcohol court development unit to test out the model that is working successfully in four parts of the country. The unit works with the family—it is normally with the mother, but often with the father—during the court proceedings to ensure that there is every prospect of their overcoming their addiction or problems so that they can care for their child. Anyone who has an opportunity to talk to Judge Nicholas Crichton about how the courts work and gone to see them—as I have—can only be impressed by the work that they do to turn around families who have found themselves in crisis, but who desperately want to care for their children.

Mrs Lewell-Buck: I welcome the programme that the Minister is discussing, but am I right in thinking that the innovation programmes apply only to certain local authorities, not right across the board? Those authorities

who are not taking part will be those who are saying that they are overburdened and unable to meet demand. In my experience, social workers are already incredibly innovative, so they do not need money chucked at them to be that. What they need is freedom from bureaucracy and the scope to do their jobs.

Edward Timpson: The innovation programme was set up specifically to address freedom and flexibility at ground level so that practitioners—whether social workers, health visitors or others who work in children’s services—can do what they came into the profession to do: to work directly with families, helping them to turn their lives around, and to use their professional judgment, which for too long has been shackled by much of the prescription and box-ticking that is expected of them.

We were purposely not prescriptive in the innovation programme, either. We said to local authorities, voluntary organisations and others, “You come forward with your own ideas as to how you think you can better deliver children’s services. Tell us what barriers are preventing you from doing exactly that. They may be regulatory, financial or cultural, but, whatever they are, we want to try to remove them so that you can provide the highest possible standard of children’s services.” The response was overwhelming, with almost 300 replies from every region, right across the country, including the north-east. I am happy to provide the hon. Lady with a list of the projects in her area.

I had the opportunity to go up to the city of Durham, where an excellent programme is working with families in the community to ensure that they do not reach that point of crisis at which interventions may be needed. That illustrates that there is desire and enthusiasm to improve what is available in the care system before intervention in a child’s life and interaction with children’s services.

Such learning will not be owned solely by the local authority or the groups who collaborate to deliver that project. The information can be disseminated through the innovation programme, which is being carefully evaluated. I will give the hon. Lady and other Members another example. In North Yorkshire, there is £2 million for the “no wrong door” approach, which is testing out how specialist foster carers can work alongside two children’s homes to provide better support, which includes mental health services, education and rebuilding links with their families, for up to 700 young people leaving care. That includes testing what is called a staying close approach, which supports care leavers up to the age of 21 in ways that they say they wanted to be supported. That may be through accommodation, a trusted mentor or keeping links with their education provider. Those are all examples of some of the many projects—53 to date—that we have funded to inject greater innovation and creativity into children’s services so that we can tackle some of the entrenched issues. We are determined to build on that record in this Parliament, and transform the quality of child protection services in England to ensure that the quality of support for looked-after children, whatever placement is right for them, continues to improve. The new child protection taskforce is a strong demonstration of that intent.

Of course, no one would disagree with the hon. Member for Sefton Central that the best interests of a child have to be at the heart of every decision made on

their behalf. Clearly, adoption is no panacea when deciding what the future holds for a child in care, but it provides a fantastic opportunity for children for whom adoption is right to have the life that they deserve. My hon. Friend the Member for Kingston and Surbiton made an excellent point that the fact that we are trying to fix what Sir Martin Narey called the long-term decline in adoption—commendably, the Labour Government also tried to fix that decline—does not mean that we cannot continue to drive improvement across the system. I welcome any views, experiences or suggestions from hon. Members on how we can do that further.

Special guardianships, which were mentioned by the hon. Member for Cardiff West, are an interesting and important innovation. In the almost 10 years since their inception, there has been exponential growth in special guardianship orders to the point that they are at about the same level as adoption, but we have never seen a proper review to understand their impact. Which children are being put forward for special guardianship? What is their age profile? Who are the special guardians? How are the placements faring in terms of support? What is the breakdown rate? There has been some research, but the time has come for us to understand the role played by special guardianship orders. They are helping to provide more children with permanence.

Taking that cohort together with adoption and long-term fostering, more children are getting the permanent placements that we all want them to have. We have instituted a review, and we have set up an expert working group, of which Andy Elvin, who gave evidence to this Committee, is a member. I will be meeting the group in the coming weeks to establish exactly how we can pool together the collective knowledge out there on special guardianship orders so that we can understand the role they can play in future.

This has been a helpful debate. I reiterate that the focus on adoption is right, but that does not mean that we are not capable of making improvements elsewhere in the care system, as we did during the previous Parliament. That remains our goal, and I hope that the hon. Member for Birmingham, Selly Oak feels reassured enough to withdraw his amendment.

Steve McCabe: I congratulate the Minister on his list of achievements, some of which are very impressive—I am serious when I say that I congratulate him—but obviously we do not think of that as job done; we think of it as job begun. There is a long way to go, and we will continue to hold him to account on the other issues.

I note the Minister’s comments on virtual heads, and he is right that they have been a great innovation. Of course, they are a Labour innovation on which the Government have built. In fact, the adoption agencies have requested that they be extended to adopted children, which the Minister has so far omitted in this legislation. I do not wholly agree with his description that the measure applies only where there has been a decision to adopt. Obviously plans change, and proposed new section 3ZA(3)(d) of the Adoption and Children Act 2002 is still about the process of placing a child. I am not sure whether he is entirely accurate about that. Likewise, he talks about 3,000 children, but we heard evidence that in many of those cases, perhaps as many as half, the plans have changed. I am not totally persuaded.

Edward Timpson: Three orders are made by the court in relation to adoption: the care order, then the placement order and then, eventually, the adoption order. We are talking about the placement order, the point at which the court decides that a child should be placed for adoption. A final order is made by the court on the permanence issue, but I accept that a placement order is not the same as an adoption order and that a matching process still needs to be undertaken after that point.

Steve McCabe: That is fair enough. The Minister gets my point.

This has been a useful debate, and I will conclude by saying that I am pleased to hear what the Minister said about regional permanence hubs. This is a constantly

evolving situation, and we are looking for how to get the best out of the resources at our disposal, which is a substantial part of the argument that my hon. Friends and I have made. With that, there is no purpose in pressing the amendment to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 13 ordered to stand part of the Bill.

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

4.31 pm

Adjourned till Tuesday 7 July at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

EAB 05 Catholic Education Service

EAB 06 Bishop of Ely, Chair of the National Society Council
and Lead Bishop on Education in the House of Lords.

EAB 07 Professor Becky Francis

EAB 08 British Humanist Association

