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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

House of Lords

Tuesday 14 June 2016

2.30 pm

Prayers—read by the Lord Bishop of Sheffield.

Death of a Member: Lord Leach of Fairford

Announcement

2.37 pm

The Lord Speaker (Baroness D'Souza): My Lords, I regret to inform the House of the death of the noble Lord, Lord Leach of Fairford, on 12 June. On behalf of the House, I extend our condolences to the noble Lord's friends and family.

Commonwealth Countries and Overseas Territories: European Union

Question

2.37 pm

Asked by ***Lord Anderson of Swansea***

To ask Her Majesty's Government what consultations they have held with the Overseas Territories and other Commonwealth countries over the United Kingdom's future relations with the European Union.

The Minister of State, Foreign and Commonwealth Office (Baroness Anelay of St Johns) (Con): My Lords, Ministers and officials meet regularly with the overseas territories and Commonwealth countries to discuss a wide range of issues, including issues raised by the UK's renegotiation of its EU membership.

Lord Anderson of Swansea (Lab): My Lords, the Falklands representative in the United Kingdom said that leaving the European Union would fuel Argentinian aggression towards us. The Chief Minister of Gibraltar has said that a vote to leave the EU would be a dire threat to Gibraltar. There are similar expressions of support for our membership from the Prime Ministers of Australia, Canada, India and New Zealand. Given this, why have the Government not trumpeted this clear and apparently unambiguous view by Commonwealth countries, but allowed Mr Farage, for example, to get away with claiming that he is a Commonwealth man?

Baroness Anelay of St Johns: My Lords, the Government have made it very clear that we value the announcements that have been made by the wide variety of representatives of Commonwealth Heads of Government and overseas territories to which the noble Lord has alluded. The Government have also noted that on each occasion when these people have put forward their views about how important it is for their countries that the UK remains within the EU, they have based their views on facts.

Lord Howell of Guildford (Con): My Lords, does my noble friend agree that whatever happens on 23 June, the EU and the Commonwealth are completely different structures and organisations from each other, and that the EU is basically a hierarchy of Governments whereas the Commonwealth is a network of peoples? Does she agree that probably the most sensible and clever thing that we in this nation should try to do is ride both horses?

Baroness Anelay of St Johns: As is so often the case—perhaps every single time—my noble friend is absolutely right.

Lord Foulkes of Cumnock (Lab): If the Government were to have a meeting in London of representatives from the overseas territories, how would the delegates from St Helena get here?

Baroness Anelay of St Johns: My Lords, I am always impressed by the ingenuity of those who wish to attend meetings. However, the noble Lord makes a very important point. It is important that the Government continue to look very carefully at securing communications with St Helena, partly because of the implications it has for the St Helenians who live on Ascension Island. He is absolutely right.

Lord Luce (CB): My Lords, I declare an interest as a former Governor of Gibraltar. Does the Minister agree that Gibraltar has gained enormously from the economic point of view, as has the Spanish neighbourhood, from unfettered access to the single market over the last few decades? Secondly, will she bear in mind that the current Spanish Foreign Minister, Margallo, has said that although he would like the United Kingdom to stay in the EU, in the event of Brexit he would plan to close the frontier with Gibraltar and revive the original proposals for joint sovereignty over Gibraltar which were overwhelmingly opposed by the people of Gibraltar? Can she say in what way the British Government will support Gibraltar in the event of Brexit?

Baroness Anelay of St Johns: The noble Lord is right to draw attention to the concerns that Gibraltarians would justifiably have if the UK were to leave the European Union. On defending sovereignty, the UK has made a commitment to defend and support Gibraltar's interests, including upholding British sovereignty. The men and women of the British Armed Forces have worked tirelessly to do this prior to the referendum and will continue to do so after it. However, the noble Lord rings a warning bell.

Lord Pearson of Rannoch (UKIP): My Lords—

Lord Wallace of Saltaire (LD): My Lords—

Lord Hoyle (Lab): My Lords—

Lord Wigley (PC): My Lords—

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, we have yet to hear from the Liberal Democrat Benches and there are other minor parties also trying to intervene. I suggest that we start with the Lib Dem Front Bench and see where we get to after that.

Lord Wallace of Saltaire: My Lords, do the Government recognise that if we were to restrict access to the other 450 million people in the European Union and open access to immigration for the 2.3 billion people in the Commonwealth—with the rapidly increasing population in west Africa and south Asia—immigration to this country would be likely to increase, rather than decrease?

Baroness Anelay of St Johns: My Lords, if the UK were to vote to leave the European Union that should not have a direct impact on the way in which applications from other countries outside the EU would be taken into account. Our current controls would continue to apply.

Lord Wigley: My Lords, is it not patently clear that, from the point of view of trade and of people coming over here to work, it is in the interests of Commonwealth countries to have direct access to the senior member of the Commonwealth as part of the European Union? It is in the interests of the Commonwealth itself that we remain part of the European Union.

Baroness Anelay of St Johns: My Lords, that is indeed the point which has been made by the leaders of all the Commonwealth countries.

Lord Tebbit (Con): My Lords, when my noble friend answers questions from the House, does she do so in the name of the whole of the Government, or only that faction which wishes to remain in the EU?

Baroness Anelay of St Johns: My Lords, as is constitutionally correct, and has been agreed by the Prime Minister at a Cabinet meeting—which I attended—when I speak from the Dispatch Box I speak for the whole Government.

Lord Collins of Highbury (Lab): My Lords, I have worked with and represented workers in Gibraltar for a considerable time and experienced a closed border for nearly as many years. Is the Minister prepared to invite the Chief Minister of Gibraltar to this country to explain the serious consequences of leaving the EU, both—as the noble Lord said—for the workers and for its sovereignty?

Baroness Anelay of St Johns: My Lords, to be very quick, I can say that we have already done that. On 11 May, the Chief Minister of Gibraltar made a joint statement with the Foreign Secretary in which they agreed that,

"remaining in a reformed European Union would ensure both Gibraltar and the UK were stronger, safer and better off. It would give Gibraltar and Gibraltarians the best possible chance to continue building their remarkable success story".

Lord Pearson of Rannoch (UKIP): My Lords, given the EU's uselessness at signing free trade agreements on our behalf, would not one obvious advantage of Brexit be that, as the world's fifth-largest economy, we could sign our own free trade deals with the Anglosphere, the Commonwealth and the markets of the future? How many more jobs would that create for us and for them?

Baroness Anelay of St Johns: First, my Lords, if it were a decision to leave the European Union, there would be a period of considerable uncertainty while we tried to negotiate deals, because the people with whom we wished to negotiate would justifiably point to the fact that we had not sorted out our own post-exit relationship with the European Union. We would not be a safe bet. With regard to what the EU has done, it has negotiated trade deals with more than 80% of the Commonwealth. We benefit from that.

Tobacco: Illicit Trade

Question

2.46 pm

Asked by ***Baroness Crawley***

To ask Her Majesty's Government, in the light of the Protocol to Eliminate Illicit Trade in Tobacco Products and the European Union Tobacco Products Directive 2015, which state that there must be tracking and tracing systems in member states and that the parties to the Protocol may not delegate their responsibilities to the tobacco industry, what assessment they have made of whether the current pilot scheme to help tackle illicit tobacco, using the tobacco industry's Codentify authentication system, is consistent with their obligations under the Protocol.

Baroness Crawley (Lab): My Lords, I beg leave to ask the Question standing in my name on the Order Paper, and in doing so I remind the House of my presidency of the Chartered Trading Standards Institute.

Lord Ashton of Hyde (Con): My Lords, the implementation process for the protocol and directive's requirements for track and tracing systems has not yet been agreed. The Government will ensure that this complies with the requirement not to delegate responsibilities to the tobacco industry. HM Revenue & Customs sees no conflict between this requirement, or the more general restrictions on the involvement of the industry, and public health policy and its current use of Codentify as a product authentication tool.

Lord Lawson of Blaby (Con): My Lords—

Noble Lords: Order.

Baroness Crawley: I thank the noble Lord for his reply, especially as I understand that he has flown overnight from China to give it. But does he not agree that at a very difficult time for trading standards in attempting to halt the flow of illegal tobacco products,

the tobacco industry cannot be allowed to regulate itself and use its own tracking and tracing system on packets of cigarettes, when there are far more independent and less flawed systems available to government?

Lord Ashton of Hyde: I thank the noble Baroness for her kind remarks. As far as tracking and tracing is concerned, there are many systems that could be used. Until the EU has decided on the requirements, Revenue & Customs is not going to look at different systems. But when it does, it will look at them openly and not rely on the tobacco industry to do it—as it is required not to do under the convention.

Lord Lawson of Blaby: My Lords, I apologise to the House for my youthful impetuosity a moment ago. The Royal College of Physicians has concluded that e-cigarettes should be encouraged as an aid to giving up the smoking of tobacco. The European Union has decided, via the tobacco products directive, that e-cigarettes should be discouraged. Which side are the Government on and what are they going to do about it?

Lord Ashton of Hyde: As far as the Treasury is concerned, it does not impose duty on e-cigarettes because tobacco is not involved and it has no plans to do so.

Lord Rennard (LD): My Lords, does the Minister think that the tobacco industry could ever be trusted to act against smuggling, given its proven record of grossly oversupplying certain markets where tobacco taxation is at a low level, particularly to encourage the smuggling of its own products into other countries such as the UK, where levels of tobacco taxation are rather higher, thereby depriving the Exchequer of more than £2 billion a year in revenue which it should be receiving?

Lord Ashton of Hyde: My Lords, it is not the tobacco industry's duty to prevent smuggling. It can help the Government, but it is HMRC and Border Force which are there to control smuggling.

Lord Young of Cookham (Con): My Lords, can my noble friend confirm that it is the Government's intention to ratify the WHO protocol on the illicit trade in tobacco?

Lord Ashton of Hyde: Yes, my Lords, the Government wish to ratify the protocol as soon as they can. They continue to work towards ratification of the protocol, although many measures are already in place—for example, a register of tobacco manufacturers. They have recently consulted on the requirements of Article 6 of the protocol on the mandatory licensing of tobacco machinery and the possible licensing of the supply chain.

Lord Davies of Oldham (Lab): My Lords, the House will be grateful to the Minister for the reassuring replies that he has given to the questions addressed this afternoon. Can he also assure the House that, in developing a strategy on this, he will consult our fellow members of the European Union? They will also have clear ideas on how to keep the tobacco industry at arm's length over such an important issue. Will that continue over a considerable period of time?

Lord Ashton of Hyde: My Lords, the Government will certainly consult their European partners. The whole point about dealing with smuggling and illicit trade is that it is a cross-border matter, and therefore it is essential that there is a pan-European agreement on how to deal with it. The Government certainly intend to continue doing that.

Lord Tebbit (Con): Will my noble friend say when the European Union finally ceased to subsidise the growing of tobacco in Greece? It was still being subsidised into the 1990s. When did it actually stop?

Lord Ashton of Hyde: I am afraid I do not know the answer to that, but I am sure that my noble friend will be able to tell me.

Lord McFall of Alcluith (Lab): My Lords, a past parliamentary report indicated that one in three of the cigarettes sold in the shops and streets of London was illegal. Has that situation improved and can the Government give us the latest update on those figures?

Lord Ashton of Hyde: There is a big problem with the illicit trade in tobacco, although it has come down over the last 10 years. The tax gap has reduced and there has been a small reduction in the amount of smoking. As for the reduction of revenue that we get due to illicit trade, there has been a small improvement in that, down from 22% to 10% on cigarettes and from 61% to 35% on tobacco. But things change, and the problem evolves continually, so it requires a lot of extra effort. In the Budget, the Chancellor announced extra money to combat this problem.

Lord Pearson of Rannoch (UKIP): My Lords, if the noble Lord does not know the answer to the question put by the noble Lord, Lord Tebbit, would he be good enough to discover it and let the rest of us know? Could it be that the EU is still doing that?

Lord Ashton of Hyde: As I said, I do not know the answer, but of course I will write to him and tell him.

Shipbuilding

Question

2.52 pm

Asked by ***Lord Hunt of Chesterton***

To ask Her Majesty's Government what policies they have to invest in and promote both defence and civil companies in the United Kingdom shipbuilding industry.

The Earl of Courtown (Con): My Lords, the Government's Ministerial Working Group for Maritime Growth is driving forward the priorities of the maritime sector, promoting the UK's competiveness in the international market and supporting export campaigns where UK Trade & Investment has identified key priority markets for the ship design, marine engineering and manufacturing sectors.

Lord Hunt of Chesterton (Lab): My Lords, how will the technology and skills developed for the Trident project in conjunction with regional EC funds re-energise the industry, which needs long-term planning that has been somewhat lacking in the last 30 years?

The Earl of Courtown: My Lords, the noble Lord, Lord Hunt, is quite right that long-term planning is needed. This is why the national shipbuilding strategy, which is chaired by Sir John Parker, is looking at putting warship building on a sustainable, long-term footing and building a new complex warship on a regular basis—I am told the term is "regular drumbeat of production". However, at the moment, our order book for the construction of warships is full for the foreseeable future with the Queen Elizabeth-class aircraft carrier. We are third in the world behind the USA and Japan when it comes to tonnage under construction.

Lord Spicer (Con): My Lords, are we sure that we have enough escort ships for the two carriers?

The Earl of Courtown: My Lords, the noble Lord is possibly referring to the Type 26 warship. At the moment, as for bringing that into construction, we are extending the life of the Type 23, which will ensure that the Royal Navy continues to have a quality anti-submarine capability until the Type 26 enters service—new radar and missiles, improved sonar systems, upgraded boats, improved command and control systems, and more efficient power generation equipment.

Lord West of Spithead (Lab): My Lords, the Minister will be aware that there is a huge difference between the order book and actual orders. In the early 1990s, we failed to order the Astute-class submarines; the end result was that it took 20 years to get our submarine building back on track, because of loss of skills. When will we actually order the Type 26 frigates? They have already been delayed. Govan, instead of taking on 100 apprentices this year, is taking on 20, and trades are already beginning to go. They will cost a lot more money, because they have been delayed. Can we not persuade the Treasury to let the MoD have some money, because it is broke, and start building them and ordering them? It is no good having them on the books and not ordered.

The Earl of Courtown: My Lords, we are continuing to work with BAE Systems to further mature the Type 26 design, including our March investment of a further £472 million. Our total investment so far is £1.6 billion into the Type 26 frigates, which is hard evidence of our commitment and real progress. In common with all equipment procurement programmes, the schedule is set at the main investment decision, and we have not yet reached that decision point.

Baroness Burt of Solihull (LD): My Lords, the manufacture and sale of ships is by nature an international endeavour. Is not the worst thing that we could do for the shipbuilding industry and other industries to cut ourselves off from our largest trade partner? Has the Minister made any assessment of the impact that leaving the EU would have on our shipbuilding industry?

The Earl of Courtown: My Lords, our shipbuilding industry, as the noble Baroness is undoubtedly aware, is confined mostly to warships. However, we are very successful in some of our export systems, throughout the whole world and not necessarily just to Europe. We are specifically exporting electronics, optronics and weapons handling systems. Current programmes include Australia, Norway, Germany and Poland.

Lord Mendelsohn (Lab): Does the Minister agree with me that maintaining a steel industry with the capacity to supply the shipbuilding industry is essential to the shipbuilding strategy? The long products division of Tata Steel was sold to Greybull Capital earlier this year; long products are essential for shipbuilding contracts and for rail. Can the Minister confirm that the new owners have been offered the range of support that other bidders and Tata Steel have been offered as well?

The Earl of Courtown: My Lords, I know that my colleagues and other Ministers have been working as hard as they can to give support to these various projects. I should add that 95,000 tonnes of British steel have gone into the construction of the Queen Elizabeth-class aircraft carrier. The Government are doing everything they can to help the industry to secure a long-term viable future and are supporting Tata to find a buyer for its entire UK operations. The steel industry is vital to the United Kingdom.

Lord Davies of Stamford (Lab): What is the cost of the upgrades, special maintenance and refits to the Type 23 class, which will be required to keep them in service much longer than was originally anticipated because the Type 26 will not be available on time? In other words, what are the incremental costs of the Government's failure to deliver the Type 26?

The Earl of Courtown: My Lords, the commitment by the Conservative Government to spend 2% of GDP on defence covers the extra costs involved in upgrading Type 23.

Lord Framlingham (Con): My Lords, we plan to spend £55 billion so that people can get from Euston to Birmingham half an hour earlier. Would that not be better spent on warships?

The Earl of Courtown: I know that it has been raining a lot, my Lords. As far as that is concerned, we have a commitment on those Bills, and we will continue to go forward on them.

Lord Richard (Lab): The Minister earlier used the phrase that the Government were consulting to further mature the design of these destroyers. What does that rather carefully chosen piece of jargon actually mean?

The Earl of Courtown: Plain English is not always easy. I have got something here—I just have to find it. We are also looking at shore-based testing facilities as part of the finance that is going into this project in conjunction with BAE Systems.

Iraq: Isis

Question

3 pm

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government what assessment they have made of reports of the public burning to death, in Mosul, by ISIS, of 19 women from Iraqi religious minorities.

The Minister of State, Foreign and Commonwealth Office (Baroness Anelay of St Johns) (Con): My Lords, we are aware of reports of the burning to death of up to 19 Yazidi women in Mosul. We are not able to verify these reports, but it is clear that Daesh has carried out appalling atrocities against Muslims, Christians, Yazidis and other communities in Iraq and Syria. Ultimately the only way to stop Daesh carrying out such abuses is to liberate all the people currently under its control.

Lord Alton of Liverpool (CB): My Lords, in thanking the Minister for that reply, may I tell her that yesterday, speaking here, a young Yazidi woman, Pari Ibrahim, who has seen 21 men and 19 women from her family murdered, described the mourning which has gripped her community in the aftermath of last week's primeval burnings—which were driven, of course, by ISIS's ideological hatred of difference? That young woman asked—and I would like to ask the Minister the same question—what we were doing to free the more than 3,000 other Yazidi and Christian women and girls held captive by ISIS. Why has not a single person, including returning jihadists, yet been brought to justice? Following the unanimous vote of the House of Commons two months ago declaring this to be a genocide, have we raised this in the Security Council? Are we creating the judicial mechanisms necessary to bring to justice those responsible for these abhorrent and wicked crimes?

Baroness Anelay of St Johns: My Lords, there were at least four questions there, but in deference to the bravery of Pari, whom I have met on other occasions and met again last week to discuss these matters, I say that I do not doubt the determination and sincerity of the noble Lord, Lord Alton, in raising these matters. The House should not underestimate the determination of the UK Government to be able to resolve the horrific experiences which Pari's family has seen and which have been experienced by other groups, whether it is LGBT people being thrown off rooftops or women being undermined in their communities. We are making our best efforts with allies around the world to find new ways of collecting information and of working at the United Nations to bring justice to those who so richly need it.

Baroness Kennedy of The Shaws (Lab): My Lords, it is hard to find language adequate to describe the events in Mosul last week. Clear evidence is coming out of that part of the country that those women were put into cages and set on fire. They burned screaming for their lives in the presence of huge crowds which were forced into the squares to watch this happening as a lesson to them all. The women were there because they had refused to have sex with their ISIS captors. Yazidi women who have been captured are being used as sex slaves. They are appearing on platforms to be sold. They are also being subjected to repeated rape. If ever anything was a genocide, this is. As our nation sits on the Security Council with a special position as one of the five with a veto vote, I wonder whether we could have this placed on the Security Council agenda, which does not involve any vetoes. We could have it on the permanent agenda. Are we doing anything to secure that place on the agenda for this issue?

Baroness Anelay of St Johns: My Lords, it is a fact that Daesh uses these most appalling treatments and murders in order to subjugate people. It is therefore important that when we consider them, we look very carefully at how we communicate what has been happening and that we also look carefully at the evidence of what has been happening. Taking a political action is a matter of a moment; it does not deliver justice. The commitment of this Government to delivering that justice is absolute. It consumes the work that I do and the work of those in the Foreign and Commonwealth Office and in other departments who are helping me and who have great expertise, because we know that it is only by delivering justice in that area that we can not only help people there but ensure that there is more security elsewhere.

The Lord Bishop of Worcester: My Lords, at the wonderful parliamentary prayer breakfast in Westminster Hall that I attended this morning along with 750 others, including 150 parliamentarians, many of them from this House, we were addressed by Bishop Angaelos of the Coptic Orthodox Church in the UK. He spoke movingly of the plight of Christians in the Middle East. While I acknowledge that the vast majority of those killed by ISIS are Muslims, will the Minister assure the House that the Government will work ever more closely with the leaders of the appallingly persecuted Christian community in the Middle East, such as Bishop Angaelos, and other religious leaders there in order to learn their perspective on what is happening?

Baroness Anelay of St Johns: The right reverend Prelate makes a vital point, and indeed I do give that undertaking. I was very fortunate that a couple of weeks

[Baroness Anelay of St Johns]
ago Bishop Angaelos invited me to the headquarters of the Coptic Church in Stevenage to discuss matters with him there, and he subsequently kindly ensured that here in the Palace I was able to meet senior representatives of Christian faiths from Syria, who very bravely travelled to this country to give me information. We will continue to do that.

Baroness Berridge (Con): My Lords, in 2015 the United Kingdom gave refuge to 322 Iraqis, which includes those who applied for asylum here and those who entered under the UN Gateway and Mandate schemes. The 20,000 allocation of the vulnerable persons resettlement scheme is of course open only to Syrian passport holders, so Yazidis are ineligible to claim purely because they hold the wrong passport. Please could the Minister raise urgently with her colleagues in the Home Office the need for a modest extension of the scheme so that Iraq's persecuted religious minorities, who are equally affected by the actions of IS, can be offered some form of refuge here?

Baroness Anelay of St Johns: My noble friend makes a very humanitarian point, and I agree that it is worth taking up. The Home Office's Gateway, Mandate and children at risk resettlement schemes are not nationality-specific, so they could indeed cover Yazidis. With regard to internally displaced persons, which the majority of Yazidis are, it is a fact that as a matter of international law those seeking international protection have to be first outside their country of origin. We will continue to look at how best we can deliver security to those who have been displaced by Daesh, but security really means defeating Daesh; that is what it is all about.

Baroness Nicholson of Winterbourne (LD): My Lords, it is mercifully unlikely that this particularly unsavoury episode actually took place. None the less, the Yazidi Spiritual Council reminded me yesterday that, as the Minister knows, the Yazidi faith is now the second largest in Iraq. It is a distant cousin of Christianity and extremely ancient. In order to try to stop the Yazidis being totally wiped out—this is the 72nd episode in a millennium and a half—extraordinary action must be taken, and it cannot just be overseas aid. Would the Minister consider putting together a small group of Ministers from other departments—I would gladly offer to help—to set up a religious tolerance programme internationally and in the United Kingdom, led by Britain? We have a uniquely tolerant attitude towards different faiths. If the Yazidis are to survive at all, we have to make a unique effort.

Baroness Anelay of St Johns: The noble Baroness makes an important point. I can say that we as a Government hope to play our own small part in doing something towards that in the autumn. On 19 and 20 October we are going to hold a conference for all faiths on freedom of religion and belief, and we are going to be examining the very points that she put forward.

Disability Employment (Gap) Bill [HL]

First Reading

3.08 pm

A Bill to require the Secretary of State to introduce proposals to halve the disability employment gap; and for connected purposes.

The Bill was introduced by Lord Wigley, read a first time and ordered to be printed.

Economic Strategy Bill [HL]

First Reading

3.09 pm

A Bill to make provision for the support of the United Kingdom's business sector, and the development of an industrial and retail strategy.

The Bill was introduced by Baroness Burt of Solihull, read a first time and ordered to be printed.

Energy Measures (Cost Effectiveness and Efficiency) Bill [HL]

First Reading

3.09 pm

A Bill to make provision for a national strategy for cost-effective and efficient use of energy; and for connected purposes.

The Bill was introduced by Lord Foster of Bath, read a first time and ordered to be printed.

Missing Persons Guardianship Bill [HL]

First Reading

3.10 pm

A Bill to make provision for the administration of the affairs of missing persons; and for connected purposes.

The Bill was introduced by Baroness Hamwee, read a first time and ordered to be printed.

Support to Exit Prostitution Bill [HL]

First Reading

3.10 pm

A Bill to improve support for people exiting prostitution; and for connected purposes.

The Bill was introduced by Baroness Jenkin of Kennington on behalf of Lord McColl of Dulwich, read a first time and ordered to be printed.

Policing and Crime Bill
First Reading

3.11 pm

The Bill was brought from the Commons, read a first time and ordered to be printed.

Euro 2016: Fan Violence
Statement

3.11 pm

The Advocate-General for Scotland (Lord Keen of Elie): My Lords, in an effort to avoid a double act, I wish to repeat in the form of a Statement a response to an Urgent Question given by the Secretary of State for the Home Department in the other place on violence in Marseilles at the Euro 2016 Championships. The Statement is as follows.

"The trouble that occurred in Marseilles involving England supporters was deeply disturbing. I also made it clear that co-ordinated groups of Russian supporters were responsible for instigating a good deal of the worst violence. I note that UEFA has announced this morning that Russia is subject to a suspended disqualification from the tournament. This Government's priority now is to work with the French authorities to ensure that the events of the weekend are not repeated.

This morning I updated Cabinet colleagues on the full range of measures that we are taking ahead of the match between England and Wales in Lens on Thursday. It had already been agreed with the French that an additional contingent of United Kingdom police spotters would be deployed to help identify troublemakers. The Foreign Office is advising supporters without tickets that they should avoid travelling to Lens and nearby Lille. The Foreign Office has drawn fans' attention to the fact that Russia is playing Slovakia in Lille tomorrow afternoon and said that English and Welsh supporters should be on their guard.

Stadium security is an area of significant concern following the breakdown of segregation in the Vélodrome stadium. We are acutely conscious of the dangers when crowd management inside a stadium goes wrong, and discussions are in hand with the French police about reinforcing the stewarding operation in Lens on Thursday night.

The House will already be aware of the robust operation in place in this country to prevent known troublemakers subject to football banning orders from travelling to France before the start of the tournament, which has seen almost 1,400 passports being surrendered. Following the violence in Marseilles, nine British nationals were arrested and six have now been given custodial sentences for their involvement in the violence. Our expectation is that all will be subject to additional court proceedings on their return to the United Kingdom to examine whether banning orders should be imposed.

We are deeply concerned at the very serious injuries suffered by some England supporters in Marseilles. The Foreign Office has additional staff in France and is providing consular assistance to those who have been hurt and their families.

We are confident that all the measures we and the French are taking will help, but I would conclude by echoing the England captain and manager, who have urged fans to stay out of trouble. As the UEFA decision in relation to the Russian team shows, the penalties for individuals and for the teams they support could be severe if there is more violence in the days ahead".

My Lords, that concludes the Statement.

3.14 pm

Lord Rosser (Lab): My Lords, the violence in Marseilles is to be deplored. It has involved a small minority of England supporters, although organised groups of Russian supporters have apparently been at the heart of the most violent acts. Whoever is to blame, the reality is that matches are taking place in other parts of France, involving other nations' supporters, without the violence we have seen both inside and outside the stadium in Marseilles.

We can express our concerns about the policing arrangements and tactics in the streets of Marseilles and about ineffective security and segregation arrangements in place inside the stadium. However, the fact is that this is far from the first time that a small minority of England supporters has been involved in violent scenes when our national team has been playing in major competitions abroad. It damages us all and our country.

For the Government to say that they are "hopeful" the French police will reinforce the stewarding arrangements for England's next game is not sufficient, since clearly the current approach has been shown to be inadequate. What further action are the Government taking in conjunction with UEFA and the French authorities to ensure the safety of the vast majority of supporters from the three home nations involved, who are only in France to enjoy the football? In addition, what further action are the Government taking to prevent similar trouble arising, associated with England and Wales playing in Lens on Thursday, particularly bearing in mind that the previous day Russia will have been playing in Lille only some 25 miles away, and that many England and Wales supporters are likely to be basing themselves in Lille alongside Russian supporters?

Lord Keen of Elie: I entirely concur with the observations of the noble Lord with regard to the outrageous behaviour of a very small minority of English supporters, which casts a shadow upon all those others who simply wish to enjoy a UEFA championship tournament. With regard to further steps and to policing within stadiums, one has to bear in mind that the conditions for policing and the segregation of fans differ between Europe and our domestic football league. Under the present UEFA rules, it is not possible for the police to be stationed within the stadium during the match. Consequently, segregation is left to stewards within the stadium. That is the subject of ongoing discussion.

With regard to further assistance from this Government, further police officers were requested by the French, and police spotters will be provided in Lens in the run-up to the match between England and

[Lord Keen of Elie]
Wales. In addition, British Transport Police officers have been stationed on cross-channel services, and indeed on services to Lens and up to Lille itself. Furthermore, the Foreign Office has given advice that those without tickets should not travel to Lens or to Lille. As the noble Lord observed, on the day before the match in Lens there is a match between Russia and Slovakia in Lille.

Lord Addington (LD): My Lords, first, we express our condolences to all those innocent parties caught up in this violence. Secondly, can the Minister give us some assurance that co-operation between European states, whether in or out of the EU, is very important, and that such things as are available to us, including the European arrest warrant, will be used to pursue anybody who we discover has been involved in this after the event, if not before?

Lord Keen of Elie: I cannot say to what extent the European arrest warrant will have to be deployed in respect of persons responsible for these actions in France. However, persons who return to England may be subject to the civil procedure relating to football banning orders, which results in the loss of their passports. With regard to co-operation, there has been co-operation between the English and French police authorities since well before the championship began, and that co-operation continues.

Lord Elystan-Morgan (CB): Will the noble and learned Lord express admiration for the actions of the 24,000 Welsh supporters on Saturday night in the Slovakia game, in that they reacted to their success by way of exquisite choral harmony, thus endorsing the words of Dylan Thomas:

"Thank God, we are a musical nation"?

Lord Keen of Elie: I compliment those fans on their musical harmony and passivity.

Viscount Hailsham (Con): My Lords, would it not be desirable for the Russian Government to provide the kind of assistance to the French Government that the United Kingdom Government are providing? Will my noble and learned friend tell the House what steps we are taking to encourage that?

Lord Keen of Elie: I am not sure that at this stage the Government would wish to encourage the Russians to place police officers in France for the purposes of the championship.

Lord Wigley (PC): My Lords, is the Minister aware that the behaviour of the 24,000 Welsh fans at Bordeaux on Saturday, of whom I was one, was described by the French police as incident-free and by the French press as a joyous occasion? Will he commend to the English fans the need to replicate this approach to sport in whatever remaining games England have in this competition?

Lord Keen of Elie: I believe that such commendation is not required because the vast majority of English supporters are decent and peaceful. We are dealing here with an exception, where a tiny minority has tarred the others. I do not believe that one should assume that, because this tiny minority has brought this shadow on the game, it reflects the views of the vast majority of English supporters.

Lord Watts (Lab): My Lords, the British police are trying to track down the British hooligans who took part in some of the riots that we saw over the weekend. Do we know what Russia is doing about that? If it does nothing, does that not raise the question of whether we should have the next championship in Russia?

Lord Keen of Elie: We are not aware of the steps that the Russians are taking in response to the events in Marseilles. The question of where the World Cup should be held is for FIFA, not for the Government.

Lord Robathan (Con): My Lords, further to the question from my noble friend Lord Hailsham, should not Her Majesty's Government take a position on what the Russian Minister has said about his fans' behaviour in France?

Lord Keen of Elie: We will take the Russian Government's response into consideration. Indeed, I understand that the Russian Sports Minister was present in the stadium at Marseilles at the time of the match. It will be the subject of the further ongoing inquiry that has been initiated by UEFA.

Baroness Billingham (Lab): My Lords, I am very apprehensive—in fact, I am almost paranoid—that a sword of Damocles is hanging over the England team. My worry is that somebody or some group of people could trigger an event during, after or before the match. Can the Minister guarantee that the French authorities and our own authorities will have an enormous presence there to make sure that there is no injustice?

Lord Keen of Elie: The policing and security arrangements at Lens are a matter for the French authorities, not for this Government. Of course we have stepped forward to assist them when requested to do so, but we cannot guarantee anything in that regard.

Lord Faulkner of Worcester (Lab): My Lords, the Minister is of course right to say that the decision as to whether the 2018 World Cup should be staged in Russia is a matter for FIFA. However, do the Government have a view on the desirability of that, should the suspended disqualification of Russia from this tournament turn into an actual disqualification because there is further trouble in France?

Lord Keen of Elie: That involves a series of hypotheses. It appears to me that we should await the outcome of the events, and indeed of the inquiry into the events, in Marseilles.

Baroness Taylor of Bolton (Lab): Will the Minister recognise that what has happened has happened? We are not talking just about hypotheticals here; we have seen real, calculated violence from a group of Russian supporters. It is very serious, and is it not rather complacent of the Government to say that we will wait to see what happens?

Lord Keen of Elie: It is not a case of being complacent. The question posed by the noble Lord proceeded upon the basis of the suspension hanging over the Russian team becoming an actuality. It has not become an actuality, and it is only that hypothesis that I referred to.

Licensing Act 2003
Membership Motion

3.23 pm

Moved by ***The Chairman of Committees***

That Lord Foster of Bath be appointed a member of the Select Committee in place of Lord Clement-Jones, resigned.

Motion agreed.

Children and Social Work Bill [HL]
Second Reading

3.24 pm

Moved by ***Lord Nash***

That the Bill be read a second time.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, it is a privilege to open the Second Reading debate on the Children and Social Work Bill. I was delighted to see such a good turnout at the briefing held on Tuesday by the Minister for Children and Families, Edward Timpson, and me and to hear such positive comments from across the House. I am very grateful to all noble Lords who found the time to attend that meeting and who are present today. I should add that, in order to assist noble Lords, I have written to all those who attended that meeting and all noble Lords whose names are down to speak today detailing a further opportunity to meet officials from my department in order to discuss any aspect of this Bill. The meeting will take place tomorrow between 11.30 am and 1 pm in room W2 in Westminster Hall.

It goes without saying that this Bill is a high priority for the Government and reflects our firm commitment to offer the promise of a better future to children who have endured experiences and faced the kinds of challenges that most of us will never encounter. In fulfilling that commitment, it is important to note that the Bill before us is only part of a wider programme of measures to strengthen children's services and improve the life chances of all children, especially the most vulnerable.

First, the Bill will ensure that the right practice systems are in place for making sure that children's needs and interests are at the heart of local decision-making. It has a particular focus on those children who, for whatever reason and through no fault of their own, can no longer remain in their family home and need to be taken into the care of the state. While remaining true to the principles laid out in the Children Act 1989, the Bill will promote greater stability in those children's upbringing and better support to improve their opportunities and outcomes.

Secondly, the Bill will strengthen local governance and accountability arrangements to help us understand the factors leading up to serious cases and inform policy and practice nationally, and so that local agencies can learn from this and improve the quality of the services that they provide to vulnerable children and families. The Bill will give local authorities an opportunity to test new ways of working in a safe and managed environment so that they can tailor their services specifically to the needs of children rather than slavishly following a set of one-size-fits-all rules.

Finally, and of course, any services are only as good as the people who work in them. Therefore, we are undertaking a series of reforms to the social work profession, building on the excellent practice that we know already takes place in some parts of the country. The Bill will strengthen training, promote higher standards and raise the status of the social work profession. The new regulatory system will apply across the whole of the social work profession, whether it is those working with children and families or those working with adults and their families, supporting improvements in the standard services across the board. Social workers perform one of the most important jobs in the world. It is essential that they have the right knowledge and skills to carry out that role to a high professional standard. That is why we must work with the profession to raise both the status and the quality.

I hope that participants in this debate will want to support our intentions. However, I recognise that there will be considerable interest in the specific measures and how they will work in practice, so I would like to take a few moments to set them out in more detail, along with the rationale behind them.

I will deal first with children in care and care leavers. Clauses 1 to 3 are designed to strengthen the support that is available to the approximately 10,000 young people aged 16 to 19 who leave care each year. All the evidence shows that care leavers are among the most vulnerable young people in our society. Many are still struggling to overcome the impact of the trauma they faced in childhood and, in most cases, they are expected to make the transition into adulthood without the unconditional love and support of a family or close circle of friends. As a consequence, they are far more likely to end up NEET, more likely to experience homelessness or mental health issues, and more likely to end up in the criminal justice system. However, with good, stable care and a more personalised and supported transition into adulthood, those stark facts need not be the culmination of their time in and leaving care.

I am delighted to be bringing forward these provisions because one of my first engagements with policy in this area was around a decade ago, when, having become aware of some of the issues facing children in and leaving care, as a director of the Centre for Policy Studies I commissioned a report on the life chances of children in care and the support for children leaving

[LORD NASH]
care. The results of the excellent *Handle with Care* study, by Harriet Sergeant, were shocking. Improvements have been made, but it is still unquestionably the case that, without the right support at the right time, many children will leave care without the right foundations or stability in their lives to go on and make a success of their adult lives. All too often, the system is failing them as individuals, and the cost to the public purse of this failure in later years is enormous. Acting in this area is not just the right thing to do—which it most certainly is—it is also the financially sensible thing to do.

The Bill will address this by clarifying and strengthening the role of local authorities in promoting and defending the interests of care leavers in key decisions that affect their lives. Clause 1 will establish a set of principles that set out what it means for a local authority to act as a good "corporate parent", and that applies to the whole local authority, including housing, health and well-being, and other local amenities, not just children's services. The principles will not just be transformative for care leavers but also apply to any children who are looked after by the state and who need someone to champion their interests in the same way as birth parents do, because these children deserve the same opportunities as any other.

The principles do not place any new duties on local authorities but provide a clear definition of expectations about how the local authority should fulfil this role based on what any good parent would do for their own children. It articulates for the first time, in one place, what support these children can expect. At the same time as introducing the principles in the Bill, the Government will also promote a care leaver covenant in which we will encourage other local agencies and organisations to come together and pledge their support for care leavers.

Many of the ideas are the result of listening to the views of children in care and care leavers. Yesterday, for instance, Edward Timpson, I and the Children's Commissioner met a group of children in care and young people who have left care here in Parliament and listened to their ideas about how their lives could be improved. It was inspirational, and I was very impressed by the young people. However, it was also deeply concerning as there were many similar stories about how they had had many different social workers in a short space of time, and there was inconsistency in the different people—social workers and advisers—with whom they were working. If anyone was in any doubt about the importance of this legislation and the actions that will flow from it, that meeting made it clear that we are definitely on the right road with our plans. This kind of engagement needs to be part of an ongoing process at national and local level and is a key element of the corporate parenting principles, because this Bill is about giving these children a voice and making sure that their voices are heard.

The Bill will reinforce the principles in practice by requiring local authorities to consult on and publish details of their offer to care leavers, setting out the support available for areas such as education, health, employment and accommodation. It will also extend the support that care leavers can expect to receive individually. Currently, all care leavers are supported by the local authority up to the age of 21, but only those who remain in education and training beyond the age of 21 have the benefit of additional support from a personal adviser up to the age of 25. That seems the wrong way round, because those who have left education and training often live in less stable arrangements or do not have the same support networks to rely on. The Bill will extend the personal adviser service to any care leaver who requests it up to the age of 25. Alongside the Bill, we will also be reviewing the quality and remit of personal advisers so that we can make sure that the support they offer and the relationships they build are of a consistently high standard.

I turn to adoption and long-term care. In March this year, the Government published a new policy statement, *Adoption: A Vision for Change,* which set out our plans to strengthen arrangements for adoption, including the factors that are taken into account when decisions on permanence are made. The Government are strongly pro-adoption because we believe that it offers a critical opportunity for children to move into a long-term placement where they can build a loving relationship with their adoptive parents in a stable and supportive home environment. However, we recognise that this option is still open to only a small percentage of children who can no longer live with their birth parents. The provisions in the Bill will ensure that the factors which evidence shows have most impact on children's long-term outcomes will be given due weight when decisions about adoption and other permanent arrangements are made. The changes will require decision-makers to take proper account of the quality of support a child will need in light of the harm they have suffered or the risk they have been exposed to, and the child's current and potential future needs up until the age of 18. They will also ensure that the relationship between the child and their prospective adopters is considered.

The Bill includes two additional provisions to ensure that adopted children and those in other long-term placements receive ongoing help to improve their educational outcomes. The role of virtual school heads, who currently act as champions for the interests of looked-after children across local authorities, and the role of designated teachers, who hold a similar role in schools, will be extended to adopted children and children who are in long-term placements with other members of their family or special guardianship orders. This does not mean that the same support has to be offered to every child. We will expect the virtual school heads and designated teachers to use their professional judgment to decide on the most appropriate form and level of help to provide.

I turn now to children and safeguarding. Nothing can be more important than the safeguarding and protection of children, especially those who are at greatest risk or the most vulnerable. Sadly, we hear too often of terrible cases where children have suffered unimaginable neglect or abuse. We all agree that this should never happen and that we should take every step possible to reduce the risk of it happening again; yet, sadly, the same issues arise over and over again, including failure by agencies to share information and, all too often, the needs of adults being considered

before those of children. Clauses 11 to 14 are designed to establish a new Child Safeguarding Practice Review Panel to oversee the review of the most serious and complex cases and, with the support of the planned What Works centre for children's social care, make sure that the lessons from them are no longer locked at the local level, but provide a stronger national evidence base to inform practice across the country. We estimate that the number of cases to be reviewed by the panel will be around 20 to 30 a year, with the remainder being reviewed, as at present, at local level.

Some noble Lords may have seen that on 26 May the Government also issued a Written Ministerial Statement on the Wood review. As well as looking at serious case reviews, it considered the co-ordination of local safeguarding arrangements more generally. The overall conclusion is that the current system of local safeguarding children boards is too inflexible, too variable and too frequently ineffective. Indeed, Ofsted reviews show that of the 94 LSCBs which have been reviewed, nearly 70% were rated as either inadequate or requiring improvement. We are therefore proposing to introduce a new, more robust statutory framework around multi-agency working that places a greater onus on the three main local partners involved in children's safeguarding: the local authority, the police and health. We believe that these changes need to happen quickly and we will therefore be tabling government amendments in advance of the Committee stage so that the House can consider them at the earliest opportunity.

The Bill also includes measures which are intended to lead to lasting improvements in children's social care services. Clause 10 is largely a technical amendment designed to put beyond doubt that the Secretary of State's power to intervene in local authorities whose services are inadequate will also apply where two or more local authorities have combined those services. Clauses 15 to 19 will allow local authorities and agencies discharging care functions on their behalf to explore and develop more effective ways of working in children's social care. The use of this provision will be entirely voluntary and locally led. It will allow a local authority to apply to the Secretary of State for a disapplication of its statutory responsibilities in respect of children's services for a specified period so that it can test out better ways of working, either more efficiently or to improve the quality of support and raise children's outcomes. The new arrangements will give high-performing local authorities an opportunity to operate more flexibly and trial more effective ways of delivering children's services.

There is a consensus stemming back to the landmark *Munro Review of Child Protection* that over-regulation gets in the way of good social work practice. Addressing this is central to our strategy to reform children's social care and this new power to innovate will enable us to carefully pilot and evaluate deregulatory measures. It mirrors a similar existing power for schools. We recognise that any relaxation of statutory requirements should not be undertaken lightly. We have therefore built in a number of significant safeguards into the application process to make sure that the use of the new power is properly scrutinised and that the safety of children is always ensured. These include time-limiting the length of the pilots and making their approval subject to regulation using affirmative procedures wherever the proposal is to change the application of primary legislation. We have also included requirements to consult on the proposals with Ofsted and the Children's Commissioner. These plans sit alongside our £200 million extension to the children's social care innovation programme—a hugely successful programme involving partnerships between local authorities and charities, which, like the Pause projects, have already had life-transforming effects.

The second part of the Bill sets out our programme of reform for social work. Social work is a vital profession in our society, but one that is often not understood or valued sufficiently. Social workers have the ability to change lives—to enable people, whatever their circumstances or age, to have the best possible chance in life and achieve the outcomes they want for themselves, whether it is ensuring a child is protected or supporting an adult to live as independent a life as possible.

While there are examples of great practice and positive impact, I think we can all agree that there is more that can be done. We want professional practice and judgments to be focused on well-being and led by evidence of what works, not bureaucracy, process and procedure. We want social workers to be recognised and trusted, skilled professionals. The Bill provides for a new bespoke regulatory body dedicated to social work, with the ambition and vision to develop and regulate the workforce across the profession—across a whole career, different specialisms and different levels of seniority. This will represent a much more substantial approach to supporting the social work profession, focusing beyond entry-level qualifications on a whole lifetime career to embrace even the most senior social workers in the country—those leading social care services across England.

The new body will replace the current role of the Health and Care Professions Council in respect of the 93,000 social workers currently registered in England. The change to the system of regulation of social workers is in no sense a criticism of the HCPC. I commend the work that it has carried out since taking on the regulation of social workers in August 2012. Rather, it is a reflection of the unique position of social workers and of the uniquely difficult role they perform in supporting those people and children in society who are the most vulnerable or who have the greatest need. It is the Government's belief that the interests of the people supported by social workers and the interests of the social work profession will be best served by a specialist regulator with a single focus on this profession.

The key objective of the new body will be to establish a robust regulatory system that will raise standards across the whole profession, while also taking effective action to tackle poor performance. It will: establish the knowledge and skills needed by social workers to practise effectively, both in front-line practice and in leadership roles; maintain a register of professionals that will fully reflect the range, skills and experience of individual social workers; oversee a mechanism for assessing the ability of training and education courses to produce graduates who meet these standards; oversee

[LORD NASH]
the rollout of the Government's plans to assess and accredit child and family social workers; and place a strong emphasis on continuous professional development so that all social workers have the up-to-date and high-quality skills they need to deal with the issues they will encounter. The Bill will also introduce parallel changes in respect of the approval of courses for mental health professionals and best interests assessors in England.

Before I conclude, I shall address the amendment proposed by the noble Lord, Lord Watson of Invergowrie. I do not doubt the importance of the topic raised by the noble Lord. However, I hope the following debate will focus on the content of the Bill and the important role it will play in the lives of children and those who support them. I am sure the noble Lord's intention is not to shift focus away from such a laudable aim, so perhaps he will forgive me if I do not enter into an extensive discussion on the use of secondary legislation. However, I will make three further points on the noble Lord's Motion.

First, the substance of the Motion is factually incorrect. The clauses referenced, Clauses 20 to 40, actually contain only two new delegated powers and one extension of an existing power proposed. This is vastly different from the suggestion by the noble Lord that the clauses contain "only delegations of power". Furthermore, the provisions we are putting forward are far narrower than the existing regime of delegated legislation flowing from Section 60 of the Health Act 1999, which was introduced under the last Labour Government. Rather than re-enact that power in its existing form, we have deliberately chosen to propose in the Bill a new power which only covers social workers in England. This new power, unlike the one it replaces, is focused, bespoke and specific to the regulation of social work.

Secondly, the Government are firmly of the view that delegated legislation is the most appropriate vehicle to set out the role and operations of the new regulator, along with the relevant establishment and transfer arrangements, as this will allow us to update the legal framework more easily to reflect changing professional standards and improvements in working practices. This is in line with recent advice from the Law Commission on regulatory reform, which emphasised the need for this type of flexibility in the exercise of a regulator's functions, within the context of clear powers. After all, we must be flexible in responding to the needs of the profession.

Thirdly, I should like to assure all noble Lords that I fully recognise the importance of this House having all the relevant details before it is able to carry out appropriate scrutiny of draft legislation. The Government have always intended to publish indicative draft regulations and policy statements before the relevant clauses are debated in Committee, and I am happy to confirm that that remains our intention.

I conclude by re-emphasising that the Bill demonstrates the Government's commitment to making sure no child is left behind. I am confident that we all share the same desire to improve the life chances of the most vulnerable children and that this Bill represents an opportunity to dramatically improve the way this support is offered, after years of these children being often left behind.

The Bill will make broad-ranging and far-reaching reforms to the children's social care system: an ambition that has been welcomed by the charity sector, local authorities and previously by the opposition parties. It will make a substantial difference to the lives and life chances of the children, families and adults who rely on those services. This is an important Bill that is unashamedly about putting children first. I therefore welcome the level of scrutiny that Members of this House will give it. I look forward to hearing noble Lords' comments and questions over the next few hours. I beg to move.

Amendment to the Motion

Moved by ***Lord Watson of Invergowrie***

At end to insert "but that this House regrets that clauses 20 to 40 of the Bill contain only delegations of powers in contrast to the recommendations of the Constitution, Secondary Legislation and Delegated Powers Committees in relation to skeleton bills; regrets that without draft regulations published in good time the ability of this House to perform its core scrutiny function is seriously diminished; and calls on the Government to publish those draft regulations before the House considers those clauses in committee."

3.47 pm

Lord Watson of Invergowrie (Lab): My Lords, I thank the Minister for his remarks in moving the Bill. For too many children in care, the state does not carry out its parenting functions adequately. Life chances for children in care are poorer than for their peers, and too often time spent in care is a prelude to a life of mental health problems, unemployment and time spent in the criminal justice system. The role of the state as a corporate parent is vitally important. We must ensure the highest standards of support for children in care, the best opportunities and access to the services which will reduce the inequalities they face and set them on a positive path for the future.

In some respects, this Bill is due a welcome, focusing as it does on improving the outcomes and support for looked-after children. The introduction of detailed principles of corporate parenting provides much-needed recognition of the need to reconsider the support offered to the most vulnerable children in our society, and the extension of the personal adviser role to care leavers up to the age of 25 is a step forward. But, mirroring the Government's track record with education, where teacher shortages continue to be denied, here we have a Bill that fails to tackle the fundamental issues facing children's social work: case load levels that are too high, high staff turnover rates, a reliance on agency workers, and unqualified social work assistants taking on the role of social workers. When framing the Bill, the Government's eye was not fully on the ball.

In social work, the Government are on course to repeat the mistakes they made with the teaching profession. Social workers play a vital role in society, yet under

this Government many are demoralised through a narrative which blames them for failings in the system. Six in 10 English regions have seen a fall in the number of social workers working in children's services, while there has been a 50% increase in the amount spent on agency social workers.

As with the Education and Adoption Bill last year, adoption is once more the only destination from care that, it seems, the Government value. Only one in 20 children in the care system is adopted. Where are the measures to cater for those in foster care, special guardianship and kinship care? Although there is a brief allusion to kinship care in Clause 8, no other forms of care merit even a mention there or in Clause 9. I mentioned this issue on the previous Bill and was given assurances by the noble Baroness, Lady Evans, that all forms of care were equally valued and would be treated as such. I have to say that there is scant evidence in this Bill that the Government take that view. I invite Ministers to explain why the warm words offered from the Government Front Bench last year have not been translated into action in this Bill.

Three-quarters of children in the care system are in foster care and the Government have failed to champion, support and focus on this group. Three months ago the Government published a paper entitled *Adoption: A Vision for Change*. When can we expect the publication of *Foster Care: A Vision for Change*? From the Prime Minister down, Ministers have made things harder for foster carers, by doing down their role and contrasting it unfavourably with adoption. I believe that the Government should be setting out a reform programme which takes a long-term, holistic view of the entire care system and ensures that adequate support is provided to every child. This Bill could have done that but fails to do so.

The seven corporate parenting principles are certainly welcome but they should, we believe, be a duty, as happens in Scotland, and they should cover all relevant public services. If I heard the Minister correctly, he said that other agencies were to be added to the corporate principles. For the avoidance of doubt, we believe that health—including clinical commissioning groups and NHS England—the criminal justice system and police and housing services should all play their full part in delivering the best for looked-after children. We will press the Government to strengthen this clause significantly, so as to encourage joined-up thinking and action on the needs of children in care and care leavers.

The local offer outlined in Clause 2 is welcome, although local authorities need only publish this information. There is a clear need for the emphasis to shift from reactive to proactive, with information given to care leavers, and the information should be given to them up to a year before they are due to leave care, allowing them to prepare and to gain most from the offer. There is no virtue in waiting until they are about to move out the door. Labour would like to see the introduction of a national gold standard for the services care leavers should receive, with government sharing best practice to drive up support for care leavers everywhere. What is needed is a national offer delivered locally, so as to learn from and avoid repeating the vagaries of the postcode lottery that is the SEND local offer established under the Children and Families Act.

The main question posed by Clause 15 is surely, what is the problem it is designed to address? We recognise that the children's social care landscape has changed significantly since the last major legislative reform brought about by the Children Act 2004. We support innovation if it drives up outcomes for children and standards in local authorities, but innovation can take place very effectively within local authorities, as Leeds has recently demonstrated. We strongly believe that child protection services and, indeed, wider children's social care should not be run for profit and we are concerned that this clause could be a Trojan horse. The Government have failed to justify such a wide-ranging and wholesale change. Many sensible voices in the sector are very concerned about this and we will press the Government, in Committee, to come forward with a detailed explanation as to why it is necessary. As it stands, the proposals are too wide ranging and without adequate safeguards to protect children and young people if plans to innovate go wrong.

Also, the introduction of a power to become exempt from statutory duties will be seen by some local authorities as an opportunity to drop certain provision at a time when financial pressures may make it difficult for them to meet all their statutory commitments. So it is crucial that where local authorities delegate their services or responsibilities for children in care and/or care leavers, the same principles that apply to local authorities will apply to those now running those services.

Clause 15 raises a number of questions, but at this stage I will ask Minister just two. Have the Government made any assessment of the risk to children of proposals to exempt local authorities from some key duties for keeping children safe? Secondly, if outsourced services are not subject to Ofsted inspections, how will it be known whether outcomes for children are improving?

Part 2 of the Bill covers social work, including, crucially, regulation. However, what is meant by Clauses 20 to 40 is just not known, because that is where the Bill disappears off into the mist. From that point it is a skeleton Bill, despite recent comments by the Minister. What do these clauses mean? Ask 10 people and you might get 10 different answers. In addition, since the Bill was published the Government have already submitted 14 amendments: none, it has to be said, within the area of Clauses 20 to 40. I think I picked the Minister up correctly when I said that he has announced another one, at least, today.

This is no way to legislate. Were this a one-off occurrence, we on these Benches would not perhaps make too much of it. I think it fair to say that, although we were critical of the Government's Education and Adoption Bill a year ago, at least that came fairly soon after the general election—an election the Government themselves did not expect to win—and could not have been fully prepared. That has to be accepted, at least to some extent. But we are now well down the line and there is no cover for the Government regarding the Bill we are considering today. This has become an all too familiar pattern with not just this Bill and the Education and Adoption Bill, but other Bills in your Lordships' House over the last year. That is a completely unacceptable development. That is why we submitted the amendment standing in my name: to draw attention to the fact that the Government are treating Parliament with contempt.

[Lord Watson of Invergowrie]

Just five days ago, the noble Baroness the Leader of the House was challenged in exchanges in your Lordships' House over what she called "skeleton Bills". She said:

> "I want to ensure that as Parliament proceeds, it has the information it needs to do its job. Having gone through one Session, I feel that I have learned lessons that I want to ensure are properly applied by the Government ... I can assure noble Lords that I am taking very seriously my responsibilities to ensure that legislation is brought forward in as complete a fashion as possible.—[*Official Report*, 9/6/16; col. 898.]

It surely goes without saying that we are not there yet. Noble Lords do not need to take just my word for it. Yesterday, the Constitution Select Committee in your Lordships' House published its report on this Bill. I am sure that both Ministers will have read it with interest. Inter alia, it said:

> "The Bill grants extensive powers to the Secretary of State—in particular in relation to … Clause 11 … and … Clause 20 … these provisions appear to continue the trend we noted in several reports last session—the introduction of legislation that leaves much to the subsequent discretion of ministers. We regret that, despite the concerns expressed in the past by this and other committees, the Government continues to introduce legislation that depends so heavily on an array of … delegated powers".

These words may be couched in moderate terms but they are none the less hard-hitting. I hope the Minister, on behalf of the Government, feels chastised, because I believe that he should. He should also explain to noble Lords why the Government continue to introduce Bills that deny opposition parties and Cross-Benchers the ability to scrutinise legislation effectively. We cannot scrutinise that which we cannot see.

I think that the Minister pointed to only two lots of regulations that appear in Clauses 20 to 40. I have asked my noble friend Lord Hunt to have a quick look at the Bill while I have been speaking. He has come up with 29 lots of regulations and powers within those clauses, so there is a considerable difference. That emphasises why we felt it necessary to bring forward the amendment before your Lordships today.

What little we can discern from the second half of the Bill is that it contains no detail on the proposed new statutory regulator, not even a framework. It is unclear why the Government wish to commit to the considerable cost of setting up a new regulator—as happened with the General Social Care Council around 10 years ago—at a time when council social care budgets continue to suffer as a result of reductions in central government funding.

Another document that I am sure the Ministers have read is the Bill's impact assessment. On page 5, the conclusion the Department for Education reaches regarding social work regulation is that the Bill simply enables the making of secondary legislation and does not itself have any regulatory impact. Well, well—who would have thought it? That is repeated at least twice more in the impact assessment, which means that that assessment has not been able to be carried out effectively. That in itself is a matter for concern.

We on these Benches are greatly concerned that, as things stand, the system outlined in the Bill places regulation of the profession under direct government control, removing the independence necessary to win the trust of social workers and the public. Even if the Secretary of State could become the regulator—we know that will not happen—even a government-appointed body would risk professional standards being subject to the political priorities of government, rather than a professional evidence base. These proposals will make social work the only health or social care profession to be directly regulated by government, and the Bill must be amended to create greater independence for any regulatory body established.

Labour does not oppose new ideas in social work training and practice, as hinted at in Clause 25. The expansion of, and support for, Frontline as a means of training new social workers was part of our manifesto last year. However, the intention was not to deny universities a major role, and student places must not be capped, as has happened with some teacher training. We know that the Government target for 2020 is for one in four arrivals to social work to be via Frontline or Step Up, the masters course for bringing in new social workers. That is not a matter for concern at the moment, but the Bill allows the Government to direct the content of training for social workers, which raises concerns of a drift towards a two-tier social work system for those on fast-track courses, with non-university providers being favoured for funding.

Social work is among the most important work in our society. Social workers make an amazing contribution to the country. We intend to improve the Bill to enable it to support that. Great social workers combine skill and knowledge with care and compassion to help transform the lives of the most vulnerable young people and families. We need to attract more life-changing social workers, and to do that we need to treat them with respect. If we do that, we will enable them to deliver what every child deserves: the best possible childhood, free from abuse and neglect. I beg to move.

4.01 pm

Baroness Pinnock (LD): My Lords, I draw the attention of the House to my entry in the register of interests as a local councillor and vice-president of the Local Government Association. I welcome the fundamental purpose of this Bill, which is to focus the attention of practitioners, policymakers and politicians on care leavers and looked-after children. However, the question that needs to be answered is whether the proposals in the Bill meet the wholly admirable statement of principles set out in Clause 1.

It is unfortunate that Clause 1 fails to include reference to what is generally described as "the voice of the child". This means not only listening to the individual child, as already set out in the statement of principles, but also for these most vulnerable of children to have a strong, independent advocate of their needs at both national and local level. A strong role for the Children's Commissioner nationally, and a named corporate parent locally, could fulfil this.

The other glaring omission in the Bill is any reference to the vital importance of early intervention and prevention strategies. The clear purpose of these is to prevent children from suffering the traumas that lead them to become looked after. Sadly, ensuring that the links are made with this essential element of the continuum of support for vulnerable children is lacking in the Bill. Worse still, funding for prevention, which

was largely delivered through Sure Start centres, has been massively reduced, resulting in statistics that indicate that more than 800 centres have been closed. I urge the Minister to consider amendments to the Bill to address these two substantial omissions.

There is much to be supported in the Bill. However, it is much to be regretted that its content is so ill defined. Those who are more experienced in these matters than I claim that the Bill is so lacking in detail that the work of this House in scrutinising and challenging it is well-nigh impossible. I agree with the regret Motion from the noble Lord, Lord Watson, which draws the attention of the House to these significant deficiencies.

The first part of the Bill, relating to care leavers, is a positive statement of the continuing responsibilities of local authorities for children who have been looked after. The aim of the Liberal Democrats in this House is to offer constructive comments to assist in making improvements to the Bill. As a councillor as well as a Member of this House, I am a corporate parent—as indeed are all councillors—for the children and care leavers within their local authority. It is a role which I take very seriously. The Bill, however, seems to conflate the role of local authorities and that of corporate parents. My concern and that of the Liberal Democrats here is that there needs to be clarity about who takes responsibility. It is not clear, for example, how corporate parents will be able through their local authorities to support care leavers who move outside the district, or to know those who move into the area.

Clause 2 sets out the services that a local authority may offer care leavers. This section makes reference not only to support for housing, which many local authorities already provide, but to employment. I wonder whether the Minister would consider enabling local authorities to have the powers to allocate some of their apprenticeships to care leavers. Many parents already help their children into employment and maybe this should also be the role that corporate parents undertake.

Clauses 5 to 7, relating to educational achievement, are important as all the information available shows that the cohort of children who are looked after, and hence also care leavers, have much lower levels of attainment than their peers. Addressing this would do much to ensure that these vulnerable young people are able to overcome the disadvantages with which they started life. Is this a missed opportunity in the Bill to encourage innovation in addressing these gaps in knowledge and skills?

The proposal in Clause 11 to establish a Child Safeguarding Practice Review Panel has much to recommend it. It is right that there is a consistent approach to facing up to the cases where there is a serious failure by the adults charged with the care and safety of a child. What would be unfortunate would be if local ownership of the failures were lost and this were to become an unforeseen consequence of it being a national review, and therefore inevitably more remote.

Clause 15 focuses on "different ways of working". Some local authorities are already testing new approaches. Leeds City Council is winning many plaudits for its innovative approach to children and has badged the city as "Child Friendly Leeds". This is a consequence of innovative thinking and leadership by local politicians and officers. It has been achieved without direction from government and without any new powers being required. Innovation is vital but there is surely a need to tread with some caution where changes to working practice with vulnerable children are involved.

The proposal in Clause 15 is to enable local authorities to opt out of meeting some of their responsibilities under previous legislation. The regulations proposed in this clause are vagueness itself, which raises many questions as to the intent, save that of enabling,

"better outcomes … or … the same outcomes more efficiently".

That statement, in our opinion, has all the hallmarks of a Government bent on permitting the outsourcing of children's services. If that is the case, the Government should have the courage of their convictions and say so. Then we can debate the pros and cons of enabling more private sector involvement.

There is much private sector involvement already, with private residential care homes, where children are housed well outside their own background, and private foster carers, without whom there would be an even greater crisis in fostering than there is now, but whose charges are considerably higher than those paid by the local authority.

It is already more difficult for corporate parents to hold these disparate providers to account. How will the most vulnerable children in our society have a strong advocate if there is further outsourcing of services? How can there be democratic accountability for the many millions of pounds of public funding? Finally, it is to be hoped that lessons have been learned from the tragic consequences that can result from outsourcing. The Winterbourne View disgrace is not one which we would want repeated in children's services.

The key to improvements in children's social care is raising the quality of children's social workers, so the clauses in Part 2 of the Bill to set professional standards, and standards for education and training, are welcome. However, these clauses beg the question of the definition of these standards and who is required to set them. The proposal to give power to the Secretary of State or an undefined regulator is contrary to accepted best practice, which is that those who may have to challenge the state are not controlled by the state. This proposal must be significantly amended.

The notion that social workers will be subject to criminal law rather than the fitness to practice procedures smacks of an insidious blame culture which, in the end, achieves no positive improvements for children and may result in a more cautious approach by professionals.

Many other aspects of the Bill will be addressed by my noble friends. There is much that is positive and constructive about the aims of the Bill—but, equally, the Government's solutions to the challenges of supporting the most vulnerable children and young people are not at all transparent. What is needed is clarity of accountability and responsibility for these children and young people; positive support for the professionals tasked with this most challenging of roles; and adequate funding for local authorities whose budgets for children's services have suffered large reductions at the same time as the Government set even higher demands.

[Baroness Pinnock]
I look forward to constructive discussions with the Minister in the coming weeks. If Leeds can aspire to be a child-friendly city, surely the Government should aspire to create a child-friendly country.

4.13 pm

Baroness Shephard of Northwold (Con): My Lords, before I make my brief remarks in this debate, I would like to share with noble Lords the truly inspirational experience I had this morning, in connection with my non-pecuniary interest as a visiting professor at King's College London, in its widening participation unit. Noble Lords will be aware of the truly shocking fact that only 8% of care leavers progress to a university place and that—even more shocking—only 1% progress to a place in a Russell group university. Wonderful work is being done at King's to transform care leavers' life chances, including bespoke introductory days for care leavers, individual e-mentoring and an option of 52 week-a-year accommodation with bursary assistance. I left that meeting elated by what I had learned and by the fact that the dedicated people there were looking to us, in this House, to use our opportunity, through this Bill, to make more improvements possible in the lives of these very disadvantaged young people.

I was expecting my elation to be a bit dashed by the speech of the noble Lord, Lord Watson, because I felt that his amendment put a negative spin on a Bill that has otherwise been made very welcome in this House and elsewhere. In the event, his speech was balanced in welcoming parts of the Bill and drawing the attention of the House to constitutional concerns, on which the Minister today has sought to give us every assurance. Of course, I understand and share concerns about the drafting of Bills that come to this House—everybody feels that concern from time to time, perhaps especially people who were active in the other place decades ago, although that is possibly an unfair comment—but we are also concerned about inappropriate shifts of power from Parliament to the Executive. The Minister made it absolutely clear today that the Bill proposes only two new delegated powers, and one extension of an existing power, and that the Government have intended always to publish indicative draft regulations before those clauses are debated in Committee, which they should and will do. However, this House is so full of experts ready to bring their experience and knowledge to bear on a vital policy area. I was at the briefing and there was a lot of welcome for the new provisions. Ministers have demonstrated—they are arranging another briefing tomorrow—that they are ready to listen carefully to points made and take on board constructive improvements. It would be disappointing, but I do not think that it will happen, for us to spend a lot of time today focusing on constitutional matters when we could be getting the benefit of the expertise in this House in embracing, supporting and improving the Bill's proposals.

I intend to address some of the policy issues in this Bill, and I declare my non-pecuniary interest as deputy chair of the social mobility commission. I shall address in particular the issues in the first part of the Bill, on looked-after children and care leavers. These young people are of especial interest to the commission, because their life chances are self-evidently hugely challenged in ways which we do not need to spell out here, because we all know. There were some 69,500 looked-after children in March last year, and 26,339 former care leavers aged 19, 20 or 21. Some 39% of those young people were not in education, employment or training. The Bill seeks to introduce a number of measures which, if put into force, could make a difference to their life chances.

The proposals in the Bill on corporate parenting, although their implementation at local level will be the actual measure of whether they work, should at the very least concentrate the collective minds of local authority departments and others to keep sight of the progress or otherwise of looked-after children and care leavers. Their needs are complex and by definition cross departmental responsibilities. If there is to be a more collaborative approach between agencies and other partners, there will be even more of a need to know who is responsible for each young person and accountable for their welfare. I understand that there is a successful approach to collective working in Trafford, and I hope very much we will hear more about this during the passage of the Bill.

The corporate parenting principles laid out in Clause 1 contain some ambitious proposals—in particular the fourth principle, which makes it clear that the authority will need to work closely with its partners to enable young people to,

"gain access to, and make the best use of, services provided by the local authority and its relevant partners".

In other words, the successful co-operation of the various partners is implicit. This will be a real challenge for some local authorities and I hope that, as the Bill is debated here, we will hear more about the ways in which the new structures and arrangements will be monitored and measured. The fifth principle requires the local authority,

"to promote high aspirations, and seek to secure the best outcomes, for those … young people".

These disadvantaged children are not always placed in the best local schools. Indeed, in my experience they can often be excluded and passed from school to school, like pass the parcel. That is precisely the opposite of what they most need, which is structure and the experience of sustained relationships provided by a good school. The new requirement in Clauses 5, 6 and 7 for the appointment of designated teachers with a responsibility for relevant pupils and for the strengthening of governing bodies' role, provided it can be monitored—and that monitoring is key here as elsewhere—could make a real difference.

I very much welcome the requirement in Clause 2 obliging local authorities to publish information about the services they offer to care leavers relating to health and well-being, education and training, employment and accommodation and participation in society, which again makes collaboration between agencies explicit. Just as welcome is the notion that such services could be provided by employers and third-sector organisations. In this respect, I draw the attention of noble Lords to a project in Norwich, spearheaded by Chloe Smith, MP for Norwich North. The project is called Norwich for Jobs. It brought together local firms, the chamber

of commerce, FE colleges and the jobcentre to get young people into local jobs and apprenticeships. Last week, Chloe Smith presented the project to the APPG on Social Mobility, of which the noble Baroness, Lady Tyler, is deputy chair, where it aroused great interest. She outlined plans to extend it to get the 60 or so neediest children—NEETs—into appropriate work or education, this time involving the inspirational work of ThinkForward Tomorrow's People, about which I think we shall hear more from my noble friend Lady Stedman-Scott, who is in her place. Such projects could be facilitated by the new provisions in this part of the Bill, opening the way for properly supervised collaborative projects based locally, with local accountability, and involving a range of partners to focus help on these particularly needy young people.

Looked-after children, care leavers and care-experienced young people need clear structure, sustained and reliable help and, above all, the knowledge that there are people to turn to. We must not waste their potential, nor dash their hopes. This is quite a modest Bill, but it will help support their aspirations. The Bill should benefit from the expertise in this House in its passage through this House and, in turn, it deserves support today.

4.22 pm

Baroness Hughes of Stretford (Lab): My Lords, this Bill rehearses a number of themes with which we are all very familiar because we know they are important to improving the outcomes for children in care, and it revisits those themes with further measures. While we would all welcome the opportunity to improve the system even further, it is at the same time dispiriting that we need to return to these issues because the outcomes for so many children are still not good enough.

I want to touch on a number of themes that the Bill addresses. The first is education. The Bill rightly stresses the importance of educational attainment to improve the life chances of looked-after children. I welcome the measures to extend the remit of virtual head teachers and designated teachers in maintained schools and academies to children and young people who have previously been looked after. However, is it not time that we stopped tinkering with the system by adding small measures here and there and instead had a relentless, end-to-end focus on education for these children with proposals that go much further in spanning the education needs of looked-after children and care leavers right from the early years through to, as the noble Baroness, Lady Shephard, said, higher education and beyond?

Early years is particularly important. There is a great paucity of data about the youngest looked-after children's access to their free entitlement, but the indications are that those three and four year-olds who are looked after in care are much less likely to be in early years education and, where they are, are more likely to be in poor-quality education. Some limited data have been put forward by FACT, the Family and Childcare Trust, about Kirklees Council, which decided to look into this and found that only 37% of its three and four year-olds who were being looked after were actually accessing their free entitlement to early education, so it put a big focus on that group of young children and increased the proportion to 95%. Because we here know what an impact good early years education can have, particularly on the most vulnerable children, I am sure that we all agree that we want to ensure that they access that provision. Giving responsibility for their educational progress to virtual head teachers as well would be a way of trying to achieve that.

Why do the proposals for virtual heads and designated teachers in schools not include FE colleges? Many looked-after children and care leavers tend to leave school and go to college, so it seems right that the virtual head teacher should be able to help with that transition, follow those young people into colleges and include them in the focus on their educational attainment.

We know that those young people in care and leaving care are much less likely to go into higher education—or, if they do get in, to complete their course successfully. Despite the experience of the noble Baroness, Lady Shephard, this morning, which sounded very positive, the numbers nationally of looked-after children going to university are pitiful. I would like much stronger leverage on universities to focus on looked-after children and care leavers. The data are currently so poor—I declare an interest; I speak as the chair of a university council in the north-west, and this is something that I am pressing there—that many universities do not know how many looked-after children they have. They cannot track their progress, so they do not even know if a looked-after child is dropping out. We need to consider requirements on universities to do much better on both recruiting and retaining young people who have been in care. I would like the Government to consider the proposal from TACT, The Adolescent and Children's Trust, to consider free university tuition or a guaranteed apprenticeship for every child in care. That is something that every parent would try to achieve with their own child, so it should be good enough for us as corporate parents to aspire to.

The second theme is one that the Minister mentioned: the need for stability and continuity for these children. We know that that is often impaired in a very damaging way because of successive placements, changes in social workers, changes in living situation and so on. I welcome measures in the Bill to improve the stability and continuity for children in care, particularly the provision of personal advisers up to the age of 25, in Clause 13. I am a bit concerned about that provision, though, in that the onus is on the young person to request that personal adviser rather than on the local authority or the social workers to make that provision known and facilitate it.

However, there are other barriers, which we have debated here before, that are still in the system and threaten the stability and continuity for children in care. I hope that during the passage of the Bill we will remove them once and for all. For example, we should abolish the requirement for foster children to claim housing benefit at 18 in order to stay in their own foster home. That cannot be right. It does not happen with our own children and it should not happen with foster children. I would like to give foster carers a role until their foster children are 25. Foster carers should be able, for instance, to continue in the role of a personal adviser. It makes no sense to appoint a

[Baroness Hughes of Stretford]
different person to do that from the age of 21 to 25 if the foster carer is willing to continue and the young person wants the continuation of that contact. As my noble friend on the Front Bench has said, it would be very welcome to have an equal drive in the Bill to improve foster care, as well as ensuring that those children who would benefit from adoption get it. Also, young people should be able to stay in residential care if they need and want to beyond the age of 21, to help with that transition. At the moment these barriers in the system tend to mean that as soon as the child gets to sometimes 16, 17, 18 or 21, they are moved on. We can do some things here to make that less likely.

The third theme is of course the importance of support services and the proposal that the local authority consult on and publish a local offer for the services that will be provided for care leavers. This approach was deployed, as we know, in the Children and Families Act 2014 with regard to children and young people with a special educational need or disability. I recall the debates then, especially about whether such a local offer, determined wholly by the local authority—it could say what it would offer—could be effective without any teeth. Before we replicate that provision with regard to this group of young people, it would be helpful to know what evidence there is about the effectiveness of the local offer and the views of young people and families about it with regard to disabled children and those with SEN.

However, the Explanatory Notes make it clear that the Bill, in Clause 2, removes the existing requirement in the Children Act 1989 to publish more generally information on services for looked-after children and care leavers, and instead proposes this new duty to consult on and publish a local offer for care leavers only. This seems a retrograde step. Why not publish a local offer as well if this is of benefit not only to care leavers but to children in care, adoptees, foster carers and adoptive families? Why does this apply just to care leavers?

The local offer needs to include services provided by other organisations. We know the importance of health and dental health, and there has been much debate about the paucity of mental health services. It is important that other organisations are bound by the services they can add to the local offer and have to deliver it.

On Clause 15, the power to test different ways of working, the Government are right to look for different ways of working and achieving better outcomes but there is something contradictory about the measures in Clause 15 and the mechanism proposed. On the one hand we have extensive legal obligations on local authorities and others already—and we are considering more in the Bill—precisely to try to improve the outcomes of children in care, yet if Clause 15 is enacted it will suspend those obligations to improve outcomes for children in care. That does not seem to make sense, and the Minister will have to explain why suspension of the obligations and the possible impact on the rights of children is necessary.

I will make two points that are not in the Bill but which are important. The level of resources has been mentioned already, and the cuts that local government has had to sustain—40% in revenue funding, which has cut some £10 billion over the last three years, and the same level of cuts are being looked for again—are having a huge impact on preventive services and on the thresholds defined for social work intervention, and must have implications for the Bill. Finally, I wish that there was more on training in the Bill. Regulation itself, although it could have a positive effect on status, reputation and standards, will not of itself improve practice, supervision and leadership in social work, which is the way to improve outcomes for children in care.

4.33 pm

Baroness Tyler of Enfield (LD): My Lords, I start by warmly welcoming the main focus in the Bill, which marks an important further step towards developing a more holistic approach to improving the lives of children in care and care leavers. I also draw attention to my declared interest as chair of Cafcass. I will talk primarily about the mental health of children in care and care leavers and then touch on one or two other issues.

The question of how successfully we meet the needs of children in care depends on our own ambition. One of the corporate parenting principles outlined in the Bill is that local authorities should,

"promote high aspirations, and … secure the best outcomes",

for children in care. However, the aspirations of children and young people in care will increase only when we set ourselves a higher ambition for our own standards of corporate parenting. The care system should of course ensure that children are kept safe, but it also needs to provide a loving, secure and stable environment, where children and young people thrive both physically and mentally. To achieve these aspirations, emotional well-being needs to be supported throughout a child's time in care. To me, the bedrock of promoting the emotional health and well-being of children in care is the introduction of an improved system of mental health assessments for children entering care and throughout their time in care.

The Bill provides the obvious vehicle for this; not to do it would be such a missed opportunity. Current statutory guidance states that children must receive a physical health assessment when entering care, whereas it is recommended that their emotional well-being should be evaluated through a strengths and difficulties questionnaire. Frankly, this is not sufficient or good enough; we need to be aiming higher. Children entering care often exhibit challenging behaviour resulting from their previous experiences—most often, neglect and abuse. Indeed some 45% of children entering care have a diagnosable mental health condition and some 60% are estimated to have emotional or mental health problems of some kind. But the questionnaires I mentioned earlier are completed by foster carers, who may have—it is not their fault—little or no training in mental health. These assessments should be conducted by professionals with specialist knowledge about the therapeutic needs of children in the care system.

Once the needs of a child entering care have been identified, it is also essential that they are offered the appropriate support to enable recovery. A recent survey conducted by the NSPCC highlighted that almost

80% of professionals think that accessing support for children with a diagnosable mental health condition has become harder in the past five years. The NSPCC's recent analysis of local transformation plans to support the implementation of the *Future in Mind* report recommendations, in relation specifically to children in care, is not particularly encouraging.

We badly need to develop a holistic approach towards the mental health and well-being of children in care. It is not rocket science; it just needs to be given a far higher priority. A statutory entitlement to a mental health assessment would provide the necessary catalyst to action.

I turn now to corporate parenting. Parents will always ensure that they seek the best for their children and the state should be no different. I agree that placing a duty on all parts of local government to act in the best interests of children and young people, both in and leaving care, is a welcome development. But that does not go far enough. For the reasons I have already set out, I believe firmly that the corporate parenting principles should also apply to health commissioners, including clinical commissioning groups and NHS England. The recent report of the Education Select Committee in the other place highlighted the fact that mental health services tend to be reluctant to assess or treat young people until they are believed to be stable in their placement, as well as highlighting difficulties with GP registration.

I support the call for all CCGs to appoint a lead local clinician to support the mental health of children in care and care leavers, building on the existing designated doctor role. I would like to see the corporate parenting responsibility principles apply at national level to government departments as well, including the introduction of a general duty on the Secretary of State to promote the emotional health and well-being of children in care and care leavers, similar to the overarching duties in relation to physical health and education. I look forward very much to debating these points during the passage of the Bill.

I turn briefly to adoption. The Bill underlines the Government's determination to drive longer term decision-making through the court system. In my view, the recent decline in the number of children adopted from care will be tackled only through closer working and greater understanding between social workers and the judiciary, and a clear understanding that adoption is not the right solution for every child. Each child is unique and we should never adopt a "one size fits all" mindset in this area.

When talking to young people in the care system, despite all the problems they have experienced, I am often struck by how many of them have had a positive experience of the care system. Research shows that the love and support of foster families or kinship carers can help children in their educational outcomes and emotional well-being. I am not in any way complacent about the problems we are trying to tackle here. But the strong current policy focus on adoption should not distract us from the importance of other types of long-term and short-term care for vulnerable children. I would like to see the same focus on investing in families, to promote safer and better parenting, as there is, rightly, on supporting foster carers and adopters.

Finally, I admit to being a tad underwhelmed by the way in which the family test has been applied, as set out in the impact assessment. In the somewhat scant section on the impact on family relationships of the clauses relating to adoption and permanency, there is a fleeting reference to the relationship that a child may have built with a prospective adopter but nothing about children's wishes and feelings about relationships they value or may want to preserve, such as sibling relationships.

Moving on, despite the very good measures in the Bill aimed at care leavers, which other noble Lords have already referred to, I am concerned about the lack of emphasis on ensuring that care leavers do not face poverty, debt and financial exclusion. Here, I should perhaps remind the House that I have just had the privilege of becoming the chair of the Lords Select Committee on Financial Exclusion. In my early research into this arena, it was drawn to my attention by the Children's Society and other charities that many care leavers are reliant on financial support from the benefits system for their living costs, that, compared with the general working population, care leavers are three times more likely to have had a benefit sanction applied to them, and that council tax debt can have a particularly damaging effect on them due to the rapid escalation of enforcement methods used by local authorities.

On that last point, it seems a nonsense for local authorities to give with one hand and take back with the other, sometimes with no join-up between different council departments. So I was very interested to see that, despite austerity, some far-sighted local authorities have introduced an exemption from council tax for care leavers until the age of 25, including those placed out of borough. There is a lot that the Bill could do to promote the financial inclusion of care leavers and I hope that there will be an opportunity to consider these issues during the passage of the Bill.

I had proposed to say a few words on innovation and Clause 15 but my noble friend Lady Pinnock expressed very powerfully what I wanted to say. Therefore, I find that there is no need to repeat those points and shall confine myself to one matter. I strongly hope that any proposed exemptions from existing requirements under social care legislation granted under Clause 15 will be subject to proper parliamentary scrutiny, specifically through the affirmative resolution procedure.

I conclude by saying something about the overall tone of our deliberations. Our debate so far—there is of course much more to come—has, quite rightly, focused on improving the lives of some of the most disadvantaged and vulnerable children in society. Surely this is a cause around which we can all rally. However, I want to make a plea for our debate also to recognise the incredibly tough job that social workers do, making professional judgments in highly contested and contentious areas of family life that, frankly, most people would run a mile from. Too often they are damned if they do and damned if they don't.

The stereotypical and often very negative portrayal of social workers in the press is far from the reality that I encounter in my daily work. I feel that we in this House have a duty to ensure that their value to society is recognised—indeed, the Minister made that point in his opening remarks—and that their professional standing

[Baroness Tyler of Enfield]
is enhanced. Of course improvements must be made, but this must be done with a clear understanding of the overall context, which other noble Lords have already referred to. It is one of rising demand leading to ever-larger case loads, of falling resources and high turnover, and a workforce who can often feel beleaguered. We ask social workers to do one of the toughest jobs there is; it is incumbent upon us to give them the support and backing they need. The lives of some of the most vulnerable children in our country depend on it.

4.43 pm

Lord Ramsbotham (CB): My Lords, last Thursday, in moving her Motion on the balance of power between the Government and Parliament, and the case for Parliament having full details of all legislation that it is asked to consider, the noble Baroness, Lady Smith of Basildon, introduced an issue that has already come up during our processing of this Bill. She said that there were,

"more provisions for the Secretary of State to use regulations than there are clauses in the Bill, including on issues that should be considered matters of significant policy".—[*Official Report*, 9/6/16; col. 860].

Later in the same debate, my noble and learned friend Lord Judge, in addition to making some devastating comments about the increasing number of Henry VIII clauses in current legislation and highlighting the number of them in this Bill, asked,

"when are we going to actually achieve something before our ... arrangements disappear into some vague unknown future?".—[*Official Report*, 9/6/16; col. 875].

Both their concerns were echoed in yesterday's second report of the Constitution Committee, which commented on this Bill:

"We regret that, despite the concerns expressed in the past by this and other committees, the Government continues to introduce legislation that depends so heavily on an array of broad delegated powers".

Also last Thursday, the United Nations Committee on the Rights of the Child published a damning follow-up report to its previous damning report of 2008, warning that, despite some progress, the United Kingdom Government are not doing enough to prioritise children and give them the opportunity to fulfil their potential. In particular, it said that it is,

"seriously concerned at the effects that recent fiscal policies and allocation of resources have had",

and that they are,

"disproportionately affecting children in disadvantaged situations".

With others, I welcome the overall aim of this Bill, which addresses some of the deficiencies criticised by the UN committee. However, I firmly believe that the children's social care system would be more effective if a whole-system approach was taken to safeguarding and promoting the well-being of children. As I have said many times about proposed improvements to the criminal justice system, further jaw-jaw about the promotion of children's well-being is all very well, but when will we have war-war on the problems?

Before commenting on the content of the Bill, I would like to ask the Minister three questions about its timing. First, was any consideration given to delaying its publication until after the report from the UN Committee on the Rights of the Child? To disregard it would seem both discourteous and unwise. Secondly, why has the Bill been published in advance of the Prime Minister's promised life chances strategy that we are told is due later in the year? Surely the Bill could have been used to action some of that strategy.

My final question is, I know, beyond the Minister's competence to answer. However, I ask him to bring it to the notice of the relevant authorities as a matter of urgency. The *Companion* states that a minimum interval of 14 days should be observed between Second Reading and the start of the Committee stage of a Bill. On this occasion, except for tomorrow, we will be in recess on every one of the mere 13 days that are being allowed. As there seems so little business on the agenda of the House, why this unseemly rush?

To add a purely selfish concern from these Benches, without the help of party offices, preparation for the Committee stage of a Bill, including the framing and tabling of amendments, takes individual Cross-Benchers such as myself a considerable amount of time, including attending organised briefings by experts from outside organisations, which are being denied to us. I submit that particularly for a Bill with such serious implications for vulnerable children, it is essential that working time is made available for us to prepare to do our constitutional duty and that it is totally unreasonable to expect noble Lords to be able to do that blind, in Grand Committee, on the day of our return.

Therefore, while welcoming the stated aims of the Bill, which demonstrate that the way between the Department for Education and this House is paved with good intentions, I admit to a number of concerns about its content, as I know do many others.

Many noble Lords will mention concerns about local offers and the need for the principles of corporate parenting to be extended to all organisations supporting children in care, so I will not do so. Nor will I repeat the many concerns that have been expressed to me about the Henry VIII clauses, Clauses 15 to 19. However, I give notice that I shall table stand part Motions to allow full discussion of them.

I declare an interest as co-chair of the All-Party Group on Speech and Language difficulties. Communication skills are central to a child's development and educational achievement, and therefore life chances. They enable the child to understand and be understood.

The Royal College of Speech and Language Therapists, in welcoming the aim of the Bill, points out the importance of recognising that such children could have unidentified and/or unmet communication needs, which could prevent them understanding or engaging with the changes that the Bill proposes. Local authorities should be required to conduct mandatory assessments of special educational and speech, language and communication needs on a child's entry into the care system and provide access to therapy to address identified communication needs, and I will be tabling amendments to that effect. But as the Minister knows, speech and language therapists come under the Department of Health, so cross-government direction will be needed.

The Bill also includes provision for relevant children under the age of 25. But the provision of the Home Office's Immigration Bill 2016, on which this House has just spent a considerable time, specifically excludes

unaccompanied and refugee children from services after they have turned 18. Furthermore, should they wish to appeal against compulsory deportation, they can now do so only from their country of origin. Two-thirds of these unaccompanied children are presently in foster care, in which the Bill makes others eligible to remain until they turn 21. In view of these apparent contradictions, has there been any liaison between the Department for Education and the Home Office regarding the plight of these doubly unfortunate children?

Finally, I mentioned the excellent report *In Care, Out of Trouble*, prepared by my noble friend Lord Laming for the Prison Reform Trust, about the prevention of children in care becoming involved with the criminal justice system. He recommends that a Cabinet sub-committee should be formed to provide national leadership in protecting looked-after children from unnecessary criminalisation, by ensuring that there is good joint working and proper regulation and policy development, across UK government departments, acting as an example to local government by:

"Commissioning and disseminating a cross-departmental concordat",

requiring,

"local authorities, police and other relevant agencies to set and deliver locally agreed outcomes".

Why not a similar Cabinet sub-committee covering children and social work, which is not to question the calibre or commitment of the admirable Children's Minister, Edward Timpson MP?

Because, properly amended, this Bill could actually achieve something, I look forward to contributing to its processing, which I hope may begin later rather than sooner, to allow time for detailed preparation. We are bound to have an active Report stage, votes not being allowed in Grand Committee, but, from past experience, I know how fortunate we are that we shall be doing business with such a courteous, conscientious and receptive Minister.

4.52 pm

Lord Farmer (Con): My Lords, there is plenty to welcome in this Bill, particularly the steps that the Government are taking to strengthen our social work profession to make this a valued and world-class service. Standing back for a moment, more families than ever seem to be functioning so badly that they and their children need the attention of social workers. We must therefore attract an escalating number of top graduates and others to join their ranks, yet it is a time when they have never been so vilified, beleaguered and hard pressed, as we heard earlier in the debate. As well as this legislation to bolster the remedial work that they do, surely preventing more families from getting to the point of breakdown has to be a similarly high priority. I will return to that point of the end of my speech.

I could also talk at length about several of the excellent corporate parenting principles, such as the need to promote high aspirations for our looked-after children. That cannot start early enough. Teesside University aims to attract care-experienced young people on to its courses shortly after they enter secondary school and give them dreams and ambitions to shoot for long before they are post-16, by which point it can be far too late.

Additionally, there is much potential merit in plans to provide all care leavers who want one with a personal adviser or PA until the age of 25, not only those who were still in education as previously. As parents know, all young people need supportive relationships way beyond the point when they formally cease to be looked after at the age of 18, so this is a distinct improvement. However, only a year ago the Centre for Social Justice highlighted the patchy effectiveness of personal advisers. The point of a PA is to ensure that care leavers will always have a link with the local authority and that there will be at least one mentoring relationship in place. The key word here is "relationship". The CSJ found that, although some leaving care teams provide excellent support to young people, PAs are often simply too busy to build relationships with them.

Freedom of information requests have found that on average the caseload of a PA is 23 young people, and in some local authorities it can be as high as 49. A third of the care leavers the CSJ surveyed had struggled to contact their PA and frequent personnel changes meant that they could have several different PAs in one year. When noble Lords recently met the Children's Minister, Edward Timpson, we were assured that much more was being done to improve the relevant systems and personnel than appears in this Bill. Will my noble friend the Minister inform us today how the department will ensure that the existing problems with PAs are not simply replicated in the new offer?

Will the Minister also make it clear how this legislation and the other reforms hinted at will build a durable network of all-important relationships around young people in care? Again, a CSJ survey found that three-quarters of care leavers admitted difficulties with feeling lonely or isolated when leaving care, with almost half saying that they found it very difficult. This is not just a transitional problem. The Care Leavers' Association has said that one of the biggest obstacles that care leavers face in later life is in forming relationships. When one relationship after another is severed, whether with birth families, foster carers or other supportive adults, the pain of separation can be intense. The learned behaviour is often to shy away from forming emotional attachments, yet supportive and stable relationships with a variety of people are vital for developing resilience—the ability to overcome challenging odds and to cope with adversity.

Resilience is a make or break attribute for care leavers because they have to learn how to live healthy, independent lives and succeed in education and employment. Stein and Morris have found that care leavers who successfully transition to independence tend to have developed strong attachment relationships, perhaps with foster carers or family members. The sobering truth is that many young people who leave care have no reliable person to whom they can turn and no one they feel they matter to.

The penultimate corporate parenting principle which this Bill says local authorities must have regard to is the need for,

"children and young people to be safe, and for stability in their home lives, relationships and education or work".

This is the only place in the Bill where relationships are explicitly mentioned, apart from once in relation to adoption, and I will return to that point later.

[Lord Farmer]

I understand that the department might not want to be prescriptive about how stable relationships are fostered, but it appears that hopes are disproportionately pinned on PAs. Will my noble friend confirm whether these PAs will be local authority employees allocated to young people shortly before they leave care, or will it be possible for them to be "person-specific" PAs, which regulations provide for in Northern Ireland? Those regulations state that:

> "It may also be the case that a young person asks … a person who is already providing him or her with support ... These requests should always be considered seriously and the young person's wishes accommodated, where practicable".

Edward Timpson has previously stated that the PA needs to be a flexible role, not necessarily a local authority employee. Will my noble friend confirm whether forthcoming guidance on PAs will make this personalised, flexible approach more explicit, as the House of Commons Education Select Committee has also recommended?

Further afield than Northern Ireland, there are other, international examples of authorities enabling young people to make the most of their existing relationships with supportive adults as they transition out of care. The family finding and engagement model in the United States, much praised by President Obama and George W Bush before him, works on the basis that, as well as blood connections with extended family, care leavers greatly value the supportive and nurturing relationships they have developed with adults such as teachers, youth workers or the parents of friends, while in care. Even if they have lost touch, many of these relationships are potential lifelong connections.

Practitioners in the USA draw on this resource to build, intentionally, a network of support around young people before they leave care. Family finding and engagement looks for at least 40 adults with whom the young person feels positively connected, as well as upstanding family members with whom the young person may have had little or no previous contact. Typically, out of this number a small number of adults will emerge who are reliable and willing to be involved in the young person's life—one or two who will have the attitude, "I'll keep in touch with him or her whatever happens", and follow through by demonstrating unconditional acceptance and care. Consequentially, in California's Orange County family finding project, 97% of the young people had somewhere to go on Christmas Day or for Sunday lunch. Potentially, a highly suitable personal adviser could emerge from such a process. If the Department for Education was able to provide model contracts, local authorities would be able to include such people in care leaving teams with confidence.

Returning to the lack of mention of relationships in the Bill, I draw attention to Clause 2(2), which itemises services that may assist care leavers in, or in preparing for, adulthood and independent living. While young people's well-being depends on them knowing how to form and maintain safe, stable and nurturing relationships, the latter are not mentioned anywhere in this list. Surely we owe this cohort of young people, many of whom will have already experienced devastating loss and damage in their relationships, some guidance in this area. When Frank Field conducted his review of poverty and life chances in 2010, he found that young people's top ask from their schools was that they prepared them to be good parents and gave them some guidance in how to form lifelong relationships, with friends as well as lovers.

In addition, Clause 8 refers to the need for Section 31A plans to set out how the child has been impacted by the harm they have suffered, or will likely suffer; the needs arising from that impact; and how the long-term plan will meet current and future needs. Kinship carers are referred to in this clause as being potential permanent carers of the child, but my understanding is that Section 31A plans set out in accordance with the clause could effectively disqualify kinship carers who have strong bonds with the children concerned but are not deemed capable of providing the therapeutic and restorative care they need. While I obviously appreciate how very important it is that children receive that therapeutic and restorative care, there is no mention of support or training for kinship carers to bring them up to scratch, as it were. Yet all prospective adoptive parents are given help to boost their parenting skills in readiness for the challenge of raising children who may be deeply damaged by what they have experienced.

I am proud of what this Government and the previous coalition Government have done to take adoption numbers and support to a whole new level, and to raise the profile and value of adoption in the nation's eyes. However, many more children are looked after in kinship care arrangements than are placed with adoptive parents. Yet this "family and friends care" seems to be falling further and further behind in policy attention and support, and some placements are breaking down unnecessarily. This goes against the corporate parenting principle of stable relationships, yet the Bill appears to have very little teeth with which to defend that principle. Will the Minister confirm that the guidance which will follow will lay out how relationship stability can be best achieved where a child or young person is in kinship care?

Finally, I know the Bill is very much focused on the sharp end—on the children who have to be taken into care, and the families in which social workers have to intervene. However, to return to my first point, many social workers are desperate for a far greater emphasis on prevention and early intervention. This would not only spare more children the horrors of broken and abusive relationships and the pain of separation from parents, but also make their professional responsibilities more manageable. I recently visited the Isle of Wight to see how the way in which social services there function has been radically reformed after they were taken into special measures as a failing local authority. The successful whole-system reform there has depended largely on effective early intervention in families, stemming the flow of families across social work thresholds. If this Bill is not the place to achieve this emphasis on early intervention, then I suggest we urgently need a complementary prevention of family breakdown Bill to be brought forward as part of a life chances strategy.

5.05 pm

Baroness Massey of Darwen (Lab): My Lords, I welcome the opportunity to discuss children's social work. I admire those professionals in social work and education who dedicate themselves to their key and ever more complex tasks and who feel pressures of many kinds. There are, of course, implications for them in this Bill. I hope that the Minister can today reassure the House that there will be adequate resources, including training, to sustain the intentions of the Bill. What are the financial implications, for example? Does anyone know?

I congratulate whoever wrote the Explanatory Notes to the Bill. They are excellent: concise, clear and informative. Congratulations, too, to the voluntary sector and others for their thoughtful briefings. I will comment on the principle of corporate parenting, which I am glad to see in the Bill but which I think needs more clarification. For example, the noble Lord, Lord Farmer, has raised the issue of kinship carers. The Bill raises complex issues for these carers, and I ask the Minister if he will meet the Kinship Care Alliance to explore them. Kinship carers deserve clear and supported status.

I shall talk about education for 16 to 18 year-olds and refer to the importance of early years education. I shall take as my benchmark for good principles and practice the experience of young migrants, including those who are unaccompanied. Such children, I am glad to say, are automatically children in care. They have extreme needs. I have learned a great deal from being on the EU Home Affairs Sub-Committee, which is currently engaged in an inquiry into unaccompanied minors. It has powerfully raised the importance of good practice in social care and education.

Clause 1 is all about corporate parenting principles. The Children Act 1989 spelled out such principles in relation to children in need. In this Act, children who had suffered harm and suffering were included, as were age, sex and background. Also included were vulnerability, religious persuasion, racial origin and linguistic background. I suggest that we look at those principles again: I think they need consideration.

Social care applies across the whole spectrum of children, but to immigrant children, who have suffered unspeakable trauma, it is even more significant. They have, as one of those giving evidence to our committee said, been focused during their journey on survival. By the time they get to their destination country, they are entirely depleted and have to face a whole set of new challenges. Many children have terrible journeys in life without travelling. I certainly want to expand Clauses 1 and 2 to include a strong emphasis on mental health and language skills. A report from the Children's Rights Alliance last year stated powerfully that,

"the mental health of children is worsening".

Clause 2 requires local authorities in England to publish information about support and services offered to care leavers to help them prepare for adulthood and independent living. This is fine provided that the young people have the confidence and skills to use the services and if they have the support of a mentor, personal adviser or responsible member of staff in the school they have come from. It is good to see that such support people are to be designated in social services and in schools. I note that an adviser in a local authority for young people aged 21 and under 25 must be requested. Again, young people may need not just information, but the skill and confidence to make such a request. Assessment is key. A forward plan for the child is key. Monitoring of the child's progress is key. All this requires consistent and highly trained staff with the time and the requisite support. Will this be guaranteed?

The EU committee inquiring into unaccompanied migrant children showed how vital it is for a child to relate quickly to education and community support, including language teaching. During interviews with a group of unaccompanied young migrant people this came out strongly. I asked one young man from Afghanistan what had helped him to integrate. He said, "Cricket". I think he was a spin bowler.

Clauses 4, 5 and 6 discuss education. I remain concerned by what is meant by educational achievement. I recall that we discussed this during the passage of the Academies Bill under "coasting schools". Some definition of coasting, which would presumably include what we mean by achievement, was promised after consultation. Has this consultation happened? If so, what were the results?

For vulnerable, damaged children in particular, but also for every child, education must be not only about academic achievement but about developing self-confidence and communication skills, and encouragement to adopt a healthy lifestyle. Advice and information, as set out in the Bill, is simply not enough. I agree with the noble Baroness, Lady Pinnock, that early years education is crucial and we know that the most vulnerable children are likely to receive the worst care. There may be a role here for "virtual heads" to be responsible for two, three and four year-olds to promote achievement.

I remember a short debate on life chances, instigated by the noble Lord, Lord Farmer, in your Lordships' House a few weeks ago—I was delighted to see him speaking today. From the Benches opposite, the noble Lord, Lord Holmes talked about sport—his example was boxing—as contributing to,

"self-belief, self-discipline and self-worth".—[*Official Report*, 11/5/16; col. 1753.]

The noble Baroness, Lady Jenkin, talked in that debate about the importance of soft skills, such as confidence and social skills. I would add relationships, self-esteem, communications skills, resilience, health skills, including sexual health, and economic skills. Such skills are essential in education, not only for their own sakes, but to enhance academic learning. They are important for every child, especially children who have suffered chaos and distress.

There is a great deal of good practice in schools. I see it and hear about it. Its impact is visible and I remain mystified as to why the Government do not pull all this together and insist that all schools offer such important education which is vital for all children. The Government stated recently—last week, I think—that their guidance on keeping children safe will state that governing bodies,

"should ensure children are taught about safeguarding, including online, through teaching and learning opportunities".

[Baroness Massey of Darwen]

Surely this could be extended to include those soft skills to enable children to protect themselves and have positive relationships.

There are particular complications around 16 to 18 year-old migrant children and other vulnerable children. I give the example of Kent. Local authorities are legally liable for providing education for children and young people in care. However, for 16 to 18 year-olds, there is no statutory obligation on colleges or training providers to offer places to Kent County Council. The situation, they say, is getting worse due to academisation, as academies have no link with the local authority. Colleges are sometimes reluctant to accept vulnerable children because this would mess up their indicators for attainment.

I know that others have spoken and will speak about Clauses 15 to 19, so I will be brief. These are worrying clauses with potentially negative outcomes. They could mean that local authorities or trusts can, on application, be exempt from all the legislation and processes set up to protect children. The encouragement to innovate and provide different ways of working should surely not allow us to throw away the hard-won work on child protection. I hope that clarification on these clauses will be forthcoming.

I know that noble Lords will consider this Bill very carefully. In collaboration with our wonderful children's sector, we have always supported the welfare of children. I am confident that we can improve the Bill and I look forward to further discussions.

5.14 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I welcome this Bill and the chance to debate the issues around the care of extremely vulnerable children and young people. I declare my interest as a vice-president of the LGA and a district councillor at South Somerset.

Following public outcry after high-profile, horrific childcare cases, we have seen increased numbers of children and young people admitted to the care system. One can understand the nervousness of hard-pressed social workers anxious not to take risks or find the excruciating spotlight of the press and public opinion turned on them. This has placed an almost intolerable burden on local authorities, which with shrinking budgets year on year are finding it difficult to provide adequate care to those vulnerable children and young people placed with them. However, it is the right of every child to live in a loving environment, to feel safe, to be able to access education and to take advantage of life's chances, to laugh and to thrive.

At a time when there is a desperate shortage of qualified and experienced child social workers, goal posts are yet again being moved. I think I understand where the Prime Minister and the Government are coming from. It is vital that we improve the life chances of looked-after children. But will this piece of legislation do that? I hope so. Recruitment, support and training for social workers is essential to achieving this.

I have been an elected councillor for 23 years, spending 20 years on Somerset County Council, with 10 parish councils to visit. Their main concern seemed to be the state of rural roads, depth of potholes and speeding traffic. These issues, important though they are, were not what got me out of bed in the morning. But the plight of a neglected and sad child, or the dignity with which those with learning difficulties were treated, were issues which motivated me to do the best I was able to try to protect them. I took my responsibilities as a corporate parent seriously and enjoyed visiting children's homes with a fellow like-minded councillor. We tried to visit around tea-time and eat with the children and young people as there was a more relaxed atmosphere and you could often engage them in conversation, hear their aspirations and encourage them to share concerns.

Whether visiting children's homes or discussing looked-after children in Committee, from the days of the Quality Protects legislation to the present day, I always tried to use the same yardstick: if, in my eyes, it was not good enough for my own children, it was not good enough for looked-after children. The Article 39 briefing stresses, among other things: the importance of children and young people feeling loved, happy and secure; the importance of keeping siblings together whenever possible; and the provision of appropriate support to help children recover from past abuse and neglect.

At the point of permanent adoption, legislation states that the court or adoption agency should consider the relationships that children have with relatives and others, and specifies relatives, including the child's mother and father. The 2016 Act confers the legal status of relative on a prospective adopter with whom the child is placed. The law already requires the court to have regard to the child's wishes and feelings with regard to the general adoption decision. However, no provision has been made for due consideration to be given to children's views, wishes and feelings about the relationships they value and naturally wish to preserve. I will return to the view of the child later.

Last week, the Children's Society produced a report, *The Cost of being Care Free*, which gives some chilling statistics around how ill-prepared young people leaving care are to deal with the financial implications of living on their own with regard to paying council tax, access to benefits and the implications of being sanctioned by jobcentres, as my noble friend has already pointed out. Young people generally have little understanding of the ramifications of household bills, but most have parents to help them through and point them in the right direction. Those leaving the care system should have access to advice and support to assist them to live independently. I strongly support the Children's Society in its aim to make this happen. The Children's Society's report *The Wolf at the Door* showed how quickly care leavers could fall into financial difficulty. One young person interviewed said:

> "I kept on being charged for council tax. I couldn't pay it. I was just falling further and further behind … I tried telling them that I couldn't pay that per month, they weren't having none of it … and then I ended up just leaving it. Even though I didn't have any money, they weren't willing to do anything".

Care leavers need a better package of financial support to reduce their likelihood of facing poverty and financial exclusion. This should include exemption from council tax until the age of 25 to support their transition to adulthood and prevent them falling into

debt. Does the Minister agree that more needs to be done by national government to reduce the likelihood of care leavers facing financial exclusion? Social workers should be trained to help provide guidance on organising personal finance.

As the House has already heard, there is widespread evidence that looked-after children suffer disproportionately high levels of mental health problems. It is difficult enough for children and young people living in a united loving family to access mental health services; it is doubly difficult for those in the care system.

I return to the issue of communication. Some 60% of looked-after children have a special educational need—four times the rate for all children. The majority of looked-after children and young people experience conditions of poverty and social disadvantage which are closely linked to communication difficulties. In areas of high social deprivation, between 40% and 50% of children start school with language delay. Two-thirds of seven to 14 year-olds with severe behavioural problems have communication needs. The Prison Reform Trust's recent report, *In Care, Out of Trouble*, which has already been referred to, highlighted that children and young people with a range of conditions and needs, including communication needs, are known to be overrepresented in the care and criminal justice systems. Evidence suggests that not enough is done to identify such needs at an early stage and ensure they are addressed to support children's development and protect them from criminalisation. I am grateful to the NCB, the Royal College of Speech and Language Therapists and others for their briefings, which will be invaluable in Committee.

It is vital that children coming into the care system are assessed for their communication skills and problems at the very start, so that professional help can be provided where needed. Lack of the ability to communicate emotions and ambitions will lead to frustrations, depression and other mental health problems. Communication on all fronts, both with, and on behalf of, young people is key to ensuring they are able to make their wishes known and eventually take control of their lives. It is particularly vital when children are placed for adoption that their views are sought and given weighty consideration.

When I was first elected in 1993 we all attended information sessions run by the various heads of department. The one that sticks in my mind was the director of social services talking about children and parenting. He said we should not be looking for exceptional or super parents. Parents have to be only "good enough". It is part of the job of this House to scrutinise this important legislation to ensure that the system and the social workers offer sufficient support and advice to allow parents to be good enough to bring up their children safely and for them to live happy and fulfilled lives. I look forward to the Minister's response to this debate.

5.24 pm

Baroness Meacher (CB): My Lords, I welcome some aspects of the Bill, in particular the proposed corporate parenting principles towards looked-after children and the focus upon improved support for care leavers. The neglect of these young people has indeed been an utter tragedy for far too long. However, I have serious concerns about other aspects of the Bill. I am grateful for the briefing from the Ministers, from the National Children's Bureau and others on a number of these issues.

I am deeply worried about the possible implications of the proposals in Clauses 11 to 13 for the establishment of a national Child Safeguarding Practice Review Panel to review child safeguarding cases. My understanding from the Minister is that the panel will require cases to be referred to it in the event of a child's death or serious injury. In the same meeting, the Minister emphasised that social workers should not work in a risk-averse environment. I completely agree with that sentiment. I ask him to consider the position of a highly competent social worker who has the terrible misfortune to have in their case load a devious and dangerous parent who kills or injures a child. Can the Minister imagine the utter misery that that social worker will experience as the national panel chews through that case over months and months? Any social worker—any of us in our lives—will occasionally neglect a little aspect or fail to do something. That is inevitable, however good and professional we are at our work. If any little aspect has been missed, that social worker will have sleepless nights for months. That is what we are talking about here.

In the event of a tragedy, the management will of course need to ensure that the social worker acted reasonably and professionally. However, the only interest of a national panel, in my view, should be the adequacy of staffing levels, resources and national training programmes, the appropriateness of national guidelines and so forth—in other words, lessons that can be learned across the country, not an individual person's activity, which is of course a serious matter for the management and that authority. We need to find a way of excluding any national panel involvement from the consideration of the individual social worker's competence. If we fail to do that, I cannot imagine anyone taking on the job of family social worker. I have been a social worker and I know what it is like on that front line. Okay, that was decades ago, but, believe me, it is tough.

Like other Peers, I am also very concerned that the Government appear to be turning their back on prevention. As has already been mentioned, the closure of some 800 Sure Start centres in the past few years has removed one of the best ways of identifying families in a non-threatening environment, supporting parents who need help and rectifying problems. The Bill does nothing to reverse this very dangerous trend. I would be grateful if the Minister could set out the Government's strategy for preventing the need for children to be taken into care in the first place. It is wonderful to look after care leavers, but if we have twice as many children coming into care because of the destruction of prevention, what are we really achieving here? Why are the Sure Start centres closing, and what will take their place?

I fear that Clause 15 may also be a cost-cutting measure, thus risking even more children being taken into care in the long run. It would enable the Secretary of State to exempt a local authority from a requirement under the children's social care legislation or to modify the way in which such legislation is imposed on that

[Baroness Meacher]
authority. The carrot which the Government are providing is the prospect for the local authority to explore new ways of working. I hope the Government will ensure that the local authority will have to show that the new ways of working provide at least as good a service to families as the requirements being lifted. If not, hard-pressed local authorities can be expected to reduce the quality of services under the provisions of Clause 15.

I would be grateful if the Minister, in summing up the debate, could explain to the House why there is a need to weaken the entitlements of children and families in order to facilitate service innovation. Will the Government also publish the results of their consultations under Clause 15 and any objections raised? Finally, will the Government produce an assessment of the impact of any changes on children and families affected by an exemption? It will be very important to include service users among those who local authorities must consult under Clause 17 before making an application for an exemption for requirements under the children's social care legislation. I would also hope to see stronger powers for Parliament to monitor the regulations made under Clause 15.

Although I welcome the principles set out in Clause 1, can the Minister explain why these principles are limited to local authorities? Is it not important for them to apply also to health commissioners? As other noble Lords have said, we know that looked-after children are more likely than their peers to have poor physical, mental and emotional health. For example, looked-after children in England are four times more likely than the average child to have an emotional or mental health problem. There is already evidence that targeted support for looked-after children is being decommissioned due to financial pressures. Can the Minister comment on this very real concern, raised in particular by the National Children's Bureau?

A major issue for care leavers is financial insecurity. We have had many debates in this House about the cuts to benefits, and I know I am one of many Peers who have been very concerned about the impact on vulnerable people of the depth and speed of those cuts. I understand perfectly that there is a need to review the levels of benefits, but vulnerable people have been badly hit. Tragically, care leavers are among the vulnerable people affected. They are three times more likely to have had a benefit sanction compared with the general working population, and in many cases the sanctions have been unjustified. I understand that care leavers are more likely to have a sanction lifted if the sanction is challenged, but they are less likely to challenge a sanction, because they have less support. Can we ensure that the corporate parenting principles translate into, among other things, support for care leavers who reasonably challenge a benefits sanction?

The impact of debt on care leavers is likely to be so serious that I believe we will want to discuss the reasonableness of exempting care leavers from financial sanctions up to the age of 25 across the country. It may be that direct deductions of rent from care leavers' benefits could be an alternative to the imposition of a sanction, which is something many of us in this House have argued for with respect to benefit claimants anyway. I welcome the cross-departmental care leavers' strategy, bringing together the DCLG, the Home Office and the DWP, but full advantage has not yet been taken of this cross-departmental structure to avoid a direct clash between the aspirations of the Bill and the DWP benefit cuts.

Many more concerns have been expressed by various expert organisations in the field. I am sure other noble Lords will cover those, so I will not. I look forward very much to our debates in Committee and very strongly endorse the points made by my noble friend Lord Ramsbotham about deferring the Committee stage so we can do the job properly.

5.32 pm

Lord Lang of Monkton (Con): My Lords, I have listened with growing admiration to the wealth of experience and knowledge that has emerged from all corners of the House this afternoon. I cannot compete with that myself, but I rise to speak on behalf of the Constitution Committee, which published a report on the Bill yesterday having agreed it at our meeting last Wednesday. Since then, the Opposition have tabled the amendment shown on the Order Paper. I note that it prays in aid our committee and two others of your Lordships' committees. I cannot speak for them, but the Constitution Committee has not reviewed the amendment; and anyway, being an independent all-party committee of the House, it would not in my view deem it appropriate to associate ourselves with or comment on an unusual political initiative of this kind, either in respect of its wording or its motive.

As your Lordships know, the Constitution Committee scrutinises all government legislation that comes before the House. Where we decide it may be helpful to your Lordships to consider certain aspects of a Bill that we believe could have constitutional implications, we draw attention to them in, I hope, measured and impartial terms, with the suggestion that your Lordships may wish to consider them during progress of the Bill. That is what I would like to do today, as a way, I hope, of assisting with Committee stage.

However, before I do that, I will briefly express the personal view that this is an important Bill, which contains wholly admirable measures that should advance the interests of looked-after children in England and Wales, of child protection and of those leaving care, as well as setting up a new regulatory regime for the English social work profession. "No child held back" is an aspiration that surely deserves our full support. I welcome the breadth and depth of detail in the first part of the Bill, much of which might in the past have appeared in secondary legislation or in schedules. That is progress, and Rome was not of course built in a day. Secondary legislation does feature later on, but it replaces in a more focused way the previous regime of delegated legislation under powers derived from the 1999 Act. As my noble friend stated in his opening speech, only two of the delegated powers now proposed are new, relating to the new arrangements for the professional regulation of social workers.

The general view of the Constitution Committee and my own views on secondary legislation were made clear most recently in the constitutional debate that we

held last Thursday and in our sessional report for 2015-16, just published. The Bill was only recently published, and we are still at the very early stages of its scrutiny, but I welcome the assurance my noble friend gave to the House today that he plans to ensure that the draft regulations will be published ahead of Committee. That is something to which our committee would attach great importance. He will know as well as I do that Parliament can scrutinise legislation properly only when it knows how the Government will implement policy and what subsequent delegated legislation will contain.

Turning to the committee's report and some specific recommendations, I have only three points to raise today. First, on Clause 20, it states:

"We would expect the creation of a significant statutory body, such as a regulator, to be enacted by primary legislative provision to enable proper parliamentary scrutiny. The House may wish to consider whether it is appropriate for the creation of a regulator … to be left entirely in the hands of the Secretary of State, rather than set out to some degree on the face of the Bill".

I will not develop that theme at this stage but I suggest that it is an issue that might be worth considering further as the Bill progresses.

Next, I draw the House's attention to Clause 34, which allows the Secretary of State to create offences by regulation. Although such a power is not unknown, we are concerned not only that the proposed criminal offences are undefined but that they will relate to other clauses in the Bill which themselves need to be defined and implemented by regulation. Our report states:

"The House may wish carefully to consider how it can appropriately scrutinise the creation of criminal offences which are not only themselves undefined but which will relate to other legislative provisions that are also still to be delineated".

The committee made one other point which I should draw to the attention of the House. Clause 14 proposes that a Child Safeguarding Practice Review Panel should be able to request information and that those to whom the request is made,

"must comply with the request".

I would welcome clarification from the Minister on whether he envisages that such material will include material covered by legal or medical privilege and whether an assessment has been made as to whether the restriction of the right of legal or medical confidentiality is necessary and proportionate in this context. I appreciate that those are rather specific and detailed requests but I hope that my noble friend may be able to offer some reaction today. Failing that, of course, we look forward to the normal official response that we would get from the Government in due course.

I conclude by saying that nothing I have said need prevent this excellent Bill from moving without further delay towards enactment.

5.38 pm

Lord Wills (Lab): My Lords, there are many reasons to be concerned by the content of the gracious Address this year but this Bill is not one of them. The Minister set out a compelling case for why it is necessary and important, and I join all noble Lords who have already spoken in welcoming its intention to improve the position of the most vulnerable young people in our society. I will focus my remarks on the parts of the Bill that concern looked-after children and care leavers. In doing so, I draw your Lordships' attention to my entry in the register of interests.

The Bill's intentions may be good but delivering on them will be more difficult. New standards for local authorities are an important start, but no more than that. The individual circumstances of each young person must be considered if real progress is to be made. It is significant whether a child is taken into care when they are three years old or 11 years old, and whether they are taken into care because their parents have died or because they have been abused or neglected. Devising the support that is needed will therefore require a high degree of personalisation to the individual, and public services have historically found this difficult to deliver. The instructive remarks of the noble Lord, Lord Farmer, on personal advisers, indicated the practical challenges of doing this. There is a lengthy, comprehensive and excellent document, *Principles of Care*, produced by the Who Cares? Trust, a leading charity in this field, which further demonstrates the extent of the challenges. I recommend it to all who have not yet read it.

Adequate data on outcomes will be crucial in devising effective strategies, and that is simply not there at the moment. For example, it is known that 5% of care leavers are in higher education at the age of 19, but we do not know how many of those go on to graduate; nor do we know how many care leavers enter higher education later in life. Yet these data are important if we are to assess the effectiveness of support for these young people. So I hope the Minister can reassure your Lordships' House that renewed efforts will be made in this area—for example, by requiring local authorities to keep in touch with their care leavers until they are at least 25, so that better data can be compiled about their outcomes. While the aim of extending support to the age of 25 is very welcome and long overdue, as others have said, it must be adequately funded, and I hope that the Minister can reassure your Lordships about this.

In many areas, the Government could be more ambitious in their aims for children in care and care leavers. For example, as my noble friend Lady Hughes said, the Bill should not require a young person to request a personal adviser—rather, the onus should be on the local authority to provide one. All care leavers with a personal adviser should have a full needs assessment to ensure that they receive all the support they need. A young person may seek help from their local authority for a small problem, which can easily be resolved, but may also have more complex problems that only a full needs assessment will identify.

Innovation can be crucial to the improvement of public service delivery, but it should not be at the expense of appropriate safeguards for those it is designed to help. While I understand the Government's intentions in promoting new ways of working, as currently drafted the Bill does not offer adequate protections for those young people against failures in innovation. I recognise what the Minister said in his opening remarks and very much welcome it, but I hope that he will look further at this and, for example, be prepared to introduce new protections, such as new scrutiny arrangements that are fully independent and transparent, as well as

[LORD WILLS]
perhaps a duty on both the local authority and Secretary of State to consult children in care and care leavers when a local authority applies for an exemption from the requirements of social care legislation.

The Bill is missing an opportunity to introduce one crucial protection that could act as an insurance against innovation and service delivery failing the young people they are designed to help. When the Prime Minister announced at the end of last year new plans for the takeover of poorly performing children's services, he highlighted that one of the "sharper triggers" for this,

"could include complaints from whistle-blowers".

Quite so. But whistleblowers in local authorities still lack some crucial protections that could encourage them to make such public interest disclosures. For example, during the passage of the small business Bill and the Enterprise Bill, I repeatedly urged Ministers to extend whistleblowing protection towards job applicants—protection against the informal blacklisting of whistleblowers. The Government eventually recognised the need to do this, but only in respect of workers in the National Health Service. This was welcome and it has now been put on the statute book, but they so far refuse to implement such protections for anyone else. I hope the Minister will take that thought away and take this rare legislative opportunity to extend such whistleblowing protections to those working in local authorities in general and children's services in particular. These protections and the encouragement they will give to whistleblowers could be critically important in delivering the Minister's stated aim during the debate on the gracious Speech of promoting,

"more effective learning at national level from incidences of serious harm".

I want to express my concerns, following others, about the Bill's reliance on secondary legislation. It is easy to understand why Governments do this—I have been a Minister and, I am afraid, did it myself on several occasions—and everyone recognises the disruption to government business caused by the EU referendum. However, none of this is ever an excuse. As many noble Lords on all sides of the House have pointed out repeatedly in recent months, it denies Parliament the opportunity for proper scrutiny and the improvement of legislation. I support the remarks of my noble friend on the Front Bench and those of the noble Lord, Lord Lang, just now.

I am sure that the Minister will have noticed the good will towards this Bill from all sides of the House and a desire to work with the Government to ensure that this important Bill is as good as it possibly can be. He will have gathered from all the speeches preceding mine and the distinguished list of speakers following me that a great range of wisdom and experience is available to him in doing this, in this House. But your Lordships' House can do this job only if the Government do their job by providing full details of legislation in a timely manner. I hope the Minister will make good on his commitment to put as much information as possible before your Lordships' House so that this legislation can be adequately scrutinised and improved were necessary. Despite these caveats, I welcome the Bill and am sure that it will have a successful passage through the House.

5.46 pm

The Earl of Listowel (CB): My Lords, it may be helpful for me to make a few remarks on the debate so far. It is very interesting that 10 years ago, if we were debating this matter, we would all have focused on education. The debate here is much more to do with the mental health of these young people; that is an important step forward.

Education has been mentioned. About five or six years ago, about 2% of young people from care were getting to university; more recently, we arrived at 8% and I think that we are down to 7% now. Some local authorities get 15% or more to university, so noble Lords should not despair. We have invested a lot in those young people; we have made progress and we need to make more. In particular, I hope that it may be comforting to your Lordships, and in particular the noble Baroness, Lady Shephard, to hear of the experience of a care leaver who left care with no education or qualifications, who began his education at Feltham young offender institution and recently received his doctorate. Indeed, he is a researcher into young people in care and care leavers. He conducted a survey six months or so ago and found that, among 25 year-old care leavers whom he surveyed, about 30% had gone on to higher education. That exemplifies why this Bill, particularly the first clause, is so important. Those young people have had early challenges to their development, and they are often going to be late developers, so it is the duty of local authorities and the corporate parent to keep in touch with them and keep on offering them help, saying that they are there to help with accommodation, education, training and employment. When they are good and ready and have had a chance to digest and assimilate the difficulties that they have faced, they will very often do well. But you have to keep on offering that hand to them.

I warmly welcome the new duties to provide support for personal advisers to all young people up to the age of 25, but the new duty is distinct from the duty for those under 21. Those over 21 have to request it. Local authorities need to write to these young people and send them cards at Christmas and birthdays saying, "We have not heard from you for a long time, but we are still here for you and we still want to give you a personal adviser and a pathway plan". I am sure that we will discuss that further.

I was very pleased to hear what the Minister said about his first experience of care leavers and the report from Harriet Sergeant, which I dimly remember. I shall look at it again. I am pleased that he has such knowledge in this area, and I was very gratified to hear what he said about a serious review and shake-up of personal advisers in ensuring that they will be effective individuals to make a difference to those young people.

It is important to bear in mind the pressures on local authorities. I am slightly concerned that one might just say that the system is broken and we need to turn everything upside down to mend it. It has been said across the House that it should be borne in mind that, since the death of baby Peter several years ago, local authority departments have been inundated with calls for the assessment of children and the number of children in care has risen and risen. There has been a

growing burden on social workers. On top of that, the cuts we have been discussing and austerity—I am not making a particular political comment on them—have reduced the services that would have kept children and families out of care. There has been a huge increase in the workload, which produces the high turnover of social workers. Over an even longer period, the central area of social work has been lost to a large degree. Many experienced social workers have left over time. Therefore, the Government are exactly right in focusing on recruiting, retaining and developing new social workers. I was very encouraged by what Isabelle Trowler, the chief social worker, said about developing the workforce. We need some patience to see those people going in to rebuild social work departments. We should not be too impatient. We should not be turning the whole thing upside down.

A number of care leavers are very concerned to see that there is a right to recovery from trauma somewhere within the Bill, perhaps in the local offer. In the United Nations Convention on the Rights of the Child, there is a universal requirement that children are given a right to recover from trauma or torture. We should look at this in the Bill.

It is important that we intervene more effectively early on. We have to become a more child-friendly and family-friendly country. We all admire the success of Leeds children's services. How did it turn its services around? It adopted UNICEF principles and recognised that it had to make itself a child-friendly city that was friendly to the children of the rich and the poor, the Muslim, the immigrant, the Christian, the black and the white, the child of the person in prison and the child in the criminal justice system. It made this its obsession and, as a by-product, it reduced the number of children coming into care and could then focus on giving that smaller group the very best service it could offer. I think this is exactly what the noble Lord, Lord Farmer, said was the case in the Isle of Wight. It reduced the number of young people coming into care so that it could concentrate on improving the service for them.

Finally, I support my noble friend Lord Ramsbotham in his request for a deferral, if possible, of the Grand Committee stage. This is a very important Bill. The more preparation we can have, the better.

Continuing on the question of early intervention, we have more than 100,000 homeless children in England alone. I am currently in contact with a mother whom I have known for five years. She is in temporary accommodation with her 14 year-old daughter and one year-old granddaughter, living in one room with two beds, no refrigerator and no microwave. She is beside herself with worry about her situation and her future.

I am very grateful to Action for Children for its helpful briefing on early intervention to pre-empt the need for children to be taken into care, which has been an important theme of today's discussion. To the end of making us a more child-friendly country, will the Minister take to his colleagues the suggestion that the Children's Commissioner should regularly attend Cabinet and sub-Cabinet committees with some of her children and young people so that all Ministers are thoroughly aware of the impact of their departments on the welfare of children and their families? It is good to hear that recently Edward Timpson, the Minister of State, and the Minister met such a group. I think there have been occasions when the Cabinet has met such children, but it is those who do not understand these issues so well who need to hear the voices of children, and that needs to include everyone, even those at the very top.

I wish to be brief, but I hope I can welcome the many positive aspects of the Bill and of the work the Minister and his colleagues have been doing for children and young people in care and care leavers. In the Bill, I particularly welcome new rights for care leavers to personal advisers, the clarification of local authority corporate parenting responsibilities, the extension of virtual school heads, the attention to the continual professional development of social workers and other matters. Outwith the Bill, I commend successive Children's Ministers on the steps they have taken to listen to the voices of children in care and leaving care. It has been most encouraging to hear the Prime Minister speak of his commitment to improving the lives of young people in care and of his wish to make improving the life chances of all young people the goal of his final years in office.

More students than ever are training to become social workers. I commend the Government on achieving this. My experience of the Minister, the noble Lord, Lord Nash—I hope he does not mind me saying this—has been that he wishes to engage with the concerns of your Lordships and to be as constructive as possible within the constraints of the Bill and finances. I am grateful to him for his constructive engagement thus far.

I shall speak briefly of three areas of concern. They are funding, the role of the Secretary of State and the mental health of the young people affected by the Bill. With regard to funding, I hope we can ensure that no additional financial burdens are placed on local authorities by the Bill. The noble Lord, Lord Wills, has just referred to this. If the proposals for extending the rights of care leavers to personal advisers are as effective as we hope, I am not sure that the £8 million set aside will be sufficient. No budget has been set aside for the establishment of a new regulator for social work that I am aware of. In any case, perhaps that money might be better used on personal advisers and "staying put", although I am amenable to taking a different view on that.

With regard to the Secretary of State, concerns have been raised by the Constitutional Committee. I am concerned that huge power is given to the Secretary of State with regard to social work development. I heard what the noble Baroness, Lady Pinnock, said about the challenge that social workers have to give to the state and it is better to have it at arm's length. I regret that I share the strong concerns of many in the field about Clause 15 and the relaxation of children's rights for the purpose of innovation. Leeds achieved its success without the relaxation of such rights. Rights such as the right to an independent advocate were hard fought for in this House, and have proved invaluable for children in care and care leavers. We need a much clearer explanation of why Clause 15 is necessary before accepting it as part of the Bill.

[The Earl of Listowel]

With regard to mental health, there will be ample opportunities to discuss this further. I was very pleased to hear the noble Baroness, Lady Tyler, go into such detail on that matter. I welcome the intentions of much of the Bill. We need much more detail. I am concerned about the additional powers of the Secretary of State and the relaxation of protections for children. I look forward to the Minister's response and to working with him and your Lordships on this important Bill.

5.57 pm

The Lord Bishop of Durham: My Lords, I am grateful that in the scheduling I find myself following the noble Earl, Lord Listowel, whose passion and commitment to those in care and care leavers is widely known.

In greeting the main thrust of this Bill in my comments on the gracious Speech, I welcomed the measures to strengthen adoption, and also said:

"We need to ensure that life chances for those in residential or foster care are as good as for all other children".—[*Official Report*, 19/5/16; col. 41.]

A focus on long-term life outcomes is likely to lead to better decisions in placing children, including non-consensual adoption, but 75% of looked-after children are fostered, and it is no less important for them and for those in other forms of care that their long-term well-being outweighs any other considerations of economy or convenience. It is regrettable that the Bill has not addressed further issues of fostering and kinship care, as other noble Lords have already noted.

In my remarks, I want to comment on several areas. The first is corporate parenting. I warmly welcome the development of the seven principles of corporate parenting, which are wrapped up in a duty to be laid on local authorities. It is very good to hear that the voice of the child is to be heard. Making this happen effectively can be done, as organisations such as the Children's Society and Participation Works demonstrate. I hope that their experience will be drawn on by local authorities and national government in rolling this out.

The Minister, in introducing the debate on the gracious Speech, spoke helpfully of,

"the state's role as corporate parent to",—[*Official Report*, 19/5/16; col. 30.]

looked-after children. I agree that this responsibility rests on the state and is exercised both at local level and also in the workings of government at national level. It will be helpful if, as the Bill goes through, it can be made explicit that central government departments, as well as local government, have a responsibility to follow these seven principles under the umbrella of corporate parenthood. The noble Baroness, Lady Tyler, made this point earlier. It is good to have a transparent local offer of care services from each authority. It would be good to have a consistent national offer, too. Will consideration be given to amending the Bill so that the corporate parenting principles apply to national as well as local government?

I turn to care leavers. As I said in my comments on the gracious Speech, when the time comes to leave care it is often very traumatic. A move to provide care leavers with a personal adviser until they are 25 is therefore a very welcome proposal. Research by the Children's Society has shown vividly that many care leavers are very vulnerable in the areas of housing, money and mental health. To subject care leavers to benefit sanctions on the present scale, which I understand is around 2,000 a year, is often counterproductive, as is the challenge of their having to pay council tax during the early years of adjustment to independent adult living. For most, positive strategies of personal support and financial education are much more likely to be effective than the heavy-handed use of sanctions. I wonder therefore if the Minister would give consideration to amendments that might exempt care leavers from council tax until they are 25.

While supporting this provision overall, I have a concern about the recruitment and training of the new advisers. Some extremely helpful thoughts have already been offered around this in our debate. We know that consistency and continuity are very important in any mentoring or advisory role. How will it be ensured that a care leaver does not in fact find themselves having a new adviser every year? How will consistency be guaranteed? The noble Baroness, Lady Hughes, made an interesting point about foster parents being nominated as those advisers. That seems a very sensible suggestion. Perhaps the Minister might comment on the need for consistency and how it will be provided.

I have a question about "relevant persons" in Clause 2(6) and one or two other places. In Section 10 of the Children Act 2004, relevant persons appear to be largely statutory bodies, yet a lot of excellent support helping families so that children do not go into care, or on leaving do not return to care, actually comes from voluntary services. Take, for example, the excellent work of Safe Families for Children, which was started in the north-east but is now working in partnership with 20 local authorities across the country. In a recent message to neighbouring local authorities, the corporate director of one city council said:

"We've been live with Safe Families for Children around 10 months and it is going well. At the last count over 100 children have been supported by around 80 fully trained and vetted volunteers. Our analysis suggests that over a quarter of these children would have ended up in our care",

which equates to,

"around a 10% reduction of flow into care".

We must ensure that such suitable voluntary organisations and volunteers are included among relevant persons where their input would be significant in ensuring good support for care leavers. Whether this is around relevant persons or whether it could be incorporated in a covenant of care, which I understand the Minister will talk about, I would be interested to hear.

I have a brief point about children placed out of area. More looked-after children are now being placed out of area, and there is clear evidence that outcomes are less good for this group. Further measures could helpfully be included in the Bill to ensure that there is good multiagency oversight in relation to the risks and needs of all looked-after children in the area where they are living.

I turn to serious child safeguarding cases, covered by Clauses 11 to 14. Overall I welcome this new national structure for learning lessons from serious

child safeguarding cases, as laid out in these clauses. However, I note that determining when a case is or is not complex or of national importance is much harder in practice than spelling it out in words on a page might suggest. I wonder whether in Clause 12(6) there might be a need for an additional clause that not only states the procedure for a review but includes a phrase such as "establish clear terms of reference for the review". Experience has taught me that this matters a great deal.

I turn to Clause 15 on local innovation. We know that we cannot simply go on saying "This must never happen again" when things go wrong in the protection and care of children. Innovation is essential. In principle, Clauses 15 to 19 will open up opportunities for new approaches. But, like so many other noble Lords, I have a word of caution. First, it is never right to experiment on children. The basic assurance of safety and the priorities around safety, rights and well-being, which are enshrined particularly in the Children Act 1989, must be preserved, and both the degree of consultation and the level of parliamentary scrutiny of any arrangements for local exemptions must have regard to the seriousness of the risks involved. This may be especially important when new providers are coming into an emerging market of care provision.

Finally, I turn to Part 2 and social work. Social work has strong roots in faith communities and it is appropriate, given the continuing professionalisation of this work, that a dedicated structure of regulation is established. Heed should be paid to the anxieties that government control, if it descended into micro-management, could constrain rather than foster the development of a confident and competent social work service. I had an interesting conversation recently with a senior judge who suggested that to really raise the esteem of social work, a college or academy of social work—perhaps even a royal college or a royal academy—would be far better than the proposed government regulatory body. I wonder whether the Minister has considered this as an option.

Social workers by and large do a very tough job very well. They are often hampered far more by being asked to carry too large a case load than by any lack of training or competence. This is an area where blame can spring too readily to the lips of those in authority. Life chances for many children can be enhanced if a well-trained, well-resourced and not overstretched social work profession is there to help.

In conclusion, I reaffirm my overall welcome for the Bill. I must apologise in advance that, due to some existing and hard-to-move commitments, I may have to ask one of my colleagues to speak in Committee, although I shall try to be here for at least some of it. I add my concerns to those expressed already by the noble Lord, Lord Ramsbotham, and the noble Earl Lord Listowel, about moving to Committee with only one formal day of Lords business between this debate and that one. Surely this is inadequate time for the proper consideration of all the matters that have already been raised in the debate. I look forward to the Minister's responses to my questions, which are all intended to help to improve what I believe is an important Bill.

6.07 pm

Baroness Hodgson of Abinger (Con): My Lords, it is an honour to follow that excellent contribution from the right reverend Prelate. I too welcome the Bill, as it seeks to improve services.

We all recognise that looked-after children have had a very difficult start in life and therefore need the best possible support and care. I recognise that there are many noble Lords who have much more experience in this area than I do, but as a parent I have enormous concern for those children who, through no fault of their own, have needed to be taken into care; I understand there are around 70,000 in the UK at present.

I pay enormous tribute to the foster carers who take in these children, who are often traumatised and therefore difficult, and try to give them help and stability. In spite of their best efforts, however, we have to acknowledge that outcomes for looked-after children are concerning. We have already heard a few of these, but educationally only 14% of such children achieve five or more GCSE grades at A* to C, compared with 53% of non-looked-after children, and only 6% go on to attend university, compared with 38% of the population as a whole. According to the Who Cares Trust, looked-after children are more likely to have problems with crime, drugs and mental health than their peers, while 23% of the adult prison population have been in care, and 40% of prisoners under 21.

I ask the question that my noble friend Lord Farmer and others have alluded to: is there more that we could do to help and support families that would avoid some of these children having to be taken into care? Does every parent know where they can go to get help with parenting? Some children—especially those with ADHD or other conditions—can be very challenging. To have access to a confidential, non-judgmental source of help could save a lot of anguish and expense further down the line. I have deep respect for social workers and the difficult job they do. However, because they are in some cases able to advise that children should be removed from their homes, does this not lead to a reluctance for parents to engage with them?

While a good health visitor is such a valuable asset in the early years, what is the coverage of children's centres across the country now, and what is there for a parent with a difficult child over five years old? Can more be done to help parents where the family runs into difficulties, to give them the support, parent training and mentoring necessary so that fewer children need to be taken away into care?

For those children who are taken into care, what matters most is the quality of the care that they receive and what solution is right for each case, based on their own individual needs and circumstances. I therefore welcome the fact that the Bill encourages children and young people to express their views and that these views will need to be taken into account.

Where there are relatives who can step in and give the child a home, I hope that adoption will continue to be given priority. While the Government have done good work on improving the adoption sector, there is concern that adoption is seen as the "gold standard" above other options. Although it may be the best

[Baroness Hodgson of Abinger]
outcome for some of the children who end up in care, it is only one of a range of options which should be considered in the best interests of the child and what they want.

I understand that as many as one in five adoptions breaks down, so it is encouraging that the Bill places a focus on post-care support. However, for how long is this support in place? Anecdotally, I have heard of many adoptive families which run into difficulties when the children reach the teenage years. While adoptions of younger children are more likely to be successful, the longer children have been in care, the more difficult it is to find them a permanent home. Given that over a third of looked-after children are now aged between 10 and 15 years old, it is important that stability and consistency must be considered for these teenagers, and for them adoption may not be the answer.

Wherever possible, as has already been mentioned, the separation of siblings should be avoided, because for those who have already undergone the suffering of being separated from parents, to be separated from their siblings can be devastating. Sometimes leaving siblings together in state care may be preferable to splitting them up, as being together with a sibling can enhance a child's sense of safety and well-being and provide natural, mutual support. Many describe knowing that they have a sibling they are separated from as feeling like a piece of themselves is missing, so if such separation is unavoidable, every effort should be made so that siblings can stay in touch.

Is the Minister certain that we have the right models of care for looked-after children? I remember some years ago visiting a home in Denmark for looked-after children. It was a house in a leafy suburb of Copenhagen and was run by rotas of highly trained youth workers. I gathered that the model in Denmark was not to adopt but to keep the children in contact with their birth families—with lots of support from those looking after them. Have we considered and evaluated other models like this?

Mental health has already been mentioned by several noble Lords. The NSPCC states that children in care are four times more likely to experience mental health difficulties than their peers. Indeed, children who have been through the system are five times more likely to take their own life. A study by the Centre for Child and Family Research at Loughborough University has even suggested that around half of all looked-after children in the UK have a diagnosable disorder, so surely it is crucial that mental health and well-being should be prioritised within the care system.

I congratulate the Government on their reform in 2013, introducing a legal right to funding for foster children to stay with their families until the age of 21, should they wish. However, we are still neglecting those in children's residential homes, who have to leave when they turn 18. Giving local authorities greater flexibility and requiring greater transparency of their local offers for care leavers will, I hope, serve to improve services. It is excellent that provision for personal advisers is being extended to care leavers not in education. Often, as has already been mentioned, NEETs badly need a mentor to help them get their life on course. In 2014, a staggering 41% of 19 year-old care leavers were not in education, employment or training, compared with only 15% of all 19 year-olds. Even more disturbingly, this was the highest proportion for over a decade.

I welcome the fact that the Bill seeks to improve services for looked-after children, but I wonder whether we could do more to offer help and support to ensure that no child gets left behind.

6.15 pm

Baroness Dean of Thornton-le-Fylde (Lab): My Lords, we are about half way through this Second Reading and it has already been demonstrated why the Government were right to start the Bill in this House. If we get it right, the practical knowledge, experience and expertise around the House will help make this a Bill that will help many thousands of children. I exclude myself from that as my expertise is not in this area. Too many children in the category we are talking about never recover from their early years. In many respects, what happens to them then marks them for the rest of their lives. It is therefore a very important Bill and we have to get it right. To get it right, it needs some changes, and this is the place to do that.

The noble Lord, Lord Lang—the respected chair of the Constitution Committee, of which I am a member—made some of the points that I was going to make as a result of our work. I will raise a number of issues in the hope that the Minister is listening and some changes can be made. As the Bill leaves open some profound areas of legislation, it cannot be good enough to meet what is required.

Clause 11 provides for a Child Safeguarding Practice Review Panel. Will the Minister clarify whether the panel will be able to compel the submission of material that is normally legally or medically privileged and which lawyers usually cover? Will the panel have the power to obtain that information? I gather that such information is usually obtained through a court order. The Bill does not provide for such orders, so I am concerned that the matter has been left open. I would welcome some clarification from the Minister and an indication of whether the Bill can be changed.

Clause 20 gives the Secretary of State quite enormous powers to make regulations to appoint a regulator of social workers. In fact, under the Bill as currently worded, the Secretary of State could appoint himself or herself as the regulator. I cannot believe that the Government intended that. A regulator would usually be set up not by regulation but by primary legislation. Are the Government willing to look at that and amend the Bill? Clause 36 obliges the Secretary of State to carry out public consultation on these matters but the Bill does not go on to say that the regulator will be set up by primary legislation. I would welcome the Minister's comments on that too.

Clause 34 provides that social worker regulations may create offences but does not say what the offences or penalties will be. During the passage of the then Co-operative and Community Benefit Societies and Credit Unions Bill in 2009, the Constitution Committee said it was preferable for government,

"first to decide which offences and penalties it wished to provide for",

and then to make that part of the legislation and ask Parliament to give the power to create those new offences. That is not provided for here. Clauses 22 and 23 do not provide enough detail about how a new offence will be defined, investigated and enforced. Will the Minister give us some indication of the Government's thinking on this and how the Bill can perhaps be amended during its passage?

There are obviously concerns about the powers being given to the Secretary of State. I have covered some of those, and I hope they can all be resolved. The House will have done a good service if we resolve these concerns and pass a Bill that is of the quality that we all want to help young children who, too often, have had an awful start to life. We will have proved that it was right to start the Bill here, where so many Members have the expertise to deal with it. I hope the Minister will listen to that expertise.

6.20 pm

Baroness Walmsley (LD): My Lords, there is much to welcome in this Bill. It is a genuine attempt to make life better for our most vulnerable children. However, we must not forget those children outside the scope of the Bill who are living terrible lives but have not yet reached the threshold that would lead to them being taken into care. I agree with my noble friend Lady Pinnock that this is an opportunity missed. I would like to focus on four of the many issues that I could mention—corporate parenting, mental and physical health, safeguarding the rights of children, and learning from cases when something has gone wrong.

First, I welcome the Government's attempt to lay out the responsibilities of the corporate parent, though I endorse what my noble friend Lady Pinnock said about the need for clarity about who that is. Unfortunately, as they stand, the principles are weaker than existing duties under the Children Act 1989 in respect of looked-after children. In Clause 1, local authorities must only,

"have regard to the need",

to act in accordance with each of the principles. Yet separate, stronger duties already exist, though not for care leavers. Surely, all we need to do is to add care leavers to existing principles. There are things missing, and some of them have been mentioned, such as the importance of keeping siblings together; valuing children and young people's backgrounds and personalities; and the promotion of the rights and entitlements of children and young people and their full and equal participation in society.

I agree with the NSPCC that it is essential for this clause—which, after all, is a list of what children have a right to expect from corporate parents—to include a responsibility to support recovery from the trauma of abuse or neglect. Over 60% of children enter care due to abuse or neglect, and the trauma of these early experiences can have a significant impact on long-term life chances.

The NSPCC has recently highlighted the shocking lack of therapeutic support in its new campaign, It's Time. I have been in Your Lordships House now for 16 years. I clearly remember, soon after I came in, going to a presentation about the lack of therapy for children who had been sexually abused. This is not a new problem; it really is time it was addressed, because failure to address it ruins lives and costs the state money.

Neglected children often suffer poor physical health, through physical abuse, a lack of a good diet, et cetera. Along with that go mental and emotional health problems. It is crucial for these children that all their needs—physical, mental and emotional—are addressed together. It is not enough just to feed, clothe and educate the children if we are to compensate them for what they have gone through, and prepare them for the adult world. Therapeutic support to recover from past abuse or neglect must form the bedrock of the care experience.

As my noble friend Lady Tyler of Enfield said, current statutory guidance requires that children entering care receive a physical health assessment by a trained clinician. However, mental health and emotional well-being are assessed only through a strengths and difficulties questionnaire. I agree with her that this is both insufficient and carried out by the wrong people. Children need a full assessment of their physical and mental health when they come into care, as well as continuing services to address their problems all along the way.

Going back to the corporate parenting principles, I have another point to make. I welcome the bits that encourage children to express their views, wishes and feelings. It is nice not to have to badger the Government any more about including something about children's wishes and feelings in a Bill. However, I would like to make two more points about Clause 1. First, many of these children will have speech and language difficulties. It is essential that these difficulties are identified during their health assessment and speech therapy provided. Otherwise, they will struggle to express their wishes and feelings; they will not have the skills to do so. Secondly, children need information about the local offer and their entitlements in a format they can understand. Their foster parents need that too in order to provide the stability children need.

I now move to the plans for the new Child Safeguarding Practice Review Panel. This panel will have the duty to identify and review those serious child protection cases in England that raise issues deemed complex or of national importance. Well, they are all complex. I listened very carefully to what the noble Baroness, Lady Meacher, expressed about her concerns. I think it is justified for such a panel to look at those cases that appear to be of national importance. However, any new system must ensure that lessons are disseminated and incorporated into meaningful changes in practice. The panel will be judged on how well it does that. Given the difficulty in disseminating learning from serious case reviews in the current system, how will the Government ensure that the learning from national reviews trickles down and creates a process that delivers better safeguarding practice on the ground?

Secondly, as I suggested a moment ago, there is a danger that the establishment of two parallel processes—with local learning reviews at one end and the national review panel at the other—could lead to a two-tier system. That is highly undesirable. Can the Minister say what steps the Government will take to ensure that local practice review panels are not considered a lesser

[Baroness Walmsley]
counterpart to the national review panel? After all, they know their local area, their local children and local circumstances. How will thresholds for consideration by a national review be determined, and by whom? As to the criteria for the involvement of the new panel, would not greater protection be provided by broadening the definition of harm? This could be developed from the definition of harm already contained in section 31(9) of the Children Act 1989. I think that the definition should include physical injuries and harm caused by unlawful or abusive restraint. This is a national issue. The vulnerability of children to such abuse was graphically illustrated by the BBC "Panorama" programme on the Medway secure training centre earlier this year, and here we have an opportunity to address it.

On the matter of innovation, I welcome the Government's determination to improve outcomes for children, but I confess to having serious concerns about the measures in the Bill and we will be looking for assurances and safeguards for children's rights. I worry that the proposals set out in Clause 15 are too broad and could be used by cash-strapped local authorities—for which we have great sympathy—to avoid carrying out some statutory duties. Those duties were put in place for a purpose, usually by Parliament, and they comprise the rights of children in law in respect of their care. We tamper with them at our peril.

To exercise the new powers, the Secretary of State would have to introduce regulations. However, these could be approved without a debate and vote in Parliament, which is a matter of concern. I support the concerns raised by the noble Lord, Lord Watson of Invergowrie, and others regarding the skeleton nature of this Bill. This appears to be a trend. We need a lot more information before we can carry out our duty to scrutinise. Where exemptions are made to legislation which was passed with active parliamentary approval, these must be subject to appropriate parliamentary scrutiny and agreement, specifically through affirmative resolution.

I would like to know who will be consulted before exemptions from statutory duties are made. Will the responses be published? What are the criteria for judging whether this would improve children's outcomes? Could this judgment be made by an independent body? How will progress over a three-year pilot period be monitored, and will this oversight come from an independent body? For instance, if a local authority is exempt from Ofsted inspections, how will we know that outcomes for children are improving or are neutral? Can the Government guarantee that directors of children's services and lead members for children will remain accountable under the new proposals?

Under Clause 18, this system would also apply where a local authority was failing to perform its duties and the Secretary of State had already intervened under Section 497A of the Education Act 1996. Currently too many vulnerable children are failed by the system. For every child subject to a child protection plan or on a register in the UK, it is estimated that around eight other children are likely to be ill treated. How can we be sure that the exemptions being called for will improve these failing authorities? Is it really the duty to carry out statutory duties that is getting in the way of improving quality or is it more likely to be management failures, a poor corporate culture, poor multiagency working or one of the other possible causes, such as workloads or case loads that are too heavy? What is the Government's evidence of the need for these enabling powers, and will they demonstrate in each case how the exemption will lead to better outcomes for children? I think that we need some examples. There are many issues of concern in relation to this part of the Bill.

Before I finish, I want to say a brief word about the idea put forward by the right reverend Prelate the Bishop of Durham concerning the regulation of social work. I am very attracted by his suggestion of a royal college but it would absolutely have to be independent. I just wonder what would happen if the Government said that they were going to set up the BMA and decide who was to be on its council. There would be a riot. I think that we ought to provide similar scrutiny of the suggestion of the Government setting up the regulation of social workers.

6.31 pm

Lord Warner (Non-Afl): My Lords, this is an important Bill but, if I may say so, it is also something of a ragbag of a Bill, requiring careful and detailed scrutiny, given the concerns that have been expressed today.

Before turning to my concerns, I want to say a couple of words about my perspective. I was a director of social services in Kent in the 1980s and early 1990s, and was involved in implementing the landmark Children Act 1989. This was Conservative legislation, crafted with great care and consultation by the Department of Health—not an approach, I suggest, much in evidence with this Bill. More recently, I was the children's social care commissioner for Birmingham City Council between March 2014 and May 2015, which gave me some interesting insights into the workings of the Department for Education.

We should be very clear about the context of the Bill. It is being considered by Parliament when the number of looked-after children is increasing unrelentingly. At the end of March 2015 it was over 69,000, compared with over 65,000 four years previously. The NSPCC has shown that the number of children at risk of abuse was 570,800 at the end of 2013-14—the highest number since these data started to be collected in 2010, although it is almost certainly higher now. The number of children in the child protection system has increased by 80% since 2002. However, local authority expenditure to cope with this inexorable rise in workload is going in the wrong direction. Planned expenditure on children for 2015-16 was less in cash terms than it was in the previous year, and there are serious workforce problems.

The latest government figures on the number of social workers to cope with this rising workload are depressing. There are 26,500 full-time equivalent children's social workers in post, but nearly 5,000 of those are agency workers. The average turnover rate is 16% nationally but can be nearly 25% in some places, such as London. In scrutinising the Bill, we owe it to social workers to bear in mind that perspective. We have to consider whether any proposed changes are properly

thought through and costed and ensure that they would not disrupt further a workforce and system under great pressure.

I turn to my major area of concern, which is Part 2, about which concerns have been expressed very succinctly by the Constitution Committee. This is part of a Bill which is framework in nature and gives very wide powers to the Secretary of State totally to reshape social worker regulation and professional development. Part 2 asks us to take a great deal on trust, especially when we remember the rash abolition in 2010 of the former system of social work regulation under the auspices of the General Social Care Council as part of the coalition Government's bonfire of the quangos. The regulatory pieces then had to be rather hastily put together again in 2012, when regulation of social workers was passed to the Health and Care Professions Council, the HCPC. Now, the Government want to have another go with an ill-thought-through change, when, as far as one can see, the HCPC has done and is doing rather a good job.

The HCPC is currently conducting a public consultation on proposed amendments to the standards of proficiency for social workers in England. Consultations so far suggest that no major changes are required, and draft revised standards will be considered by the council in September. At that point, the council will start work on strengthening standards of education and training, including practice placements. We are entitled to have reasonable confidence in this body because the independent body that oversees the work of all health and care regulators—the Professional Standards Authority—says that the HCPC has consistently been among the best performing regulators within its statutory framework and against the standards of good regulation in annual performance reviews. It also has the lowest annual retention fee of all professional regulators.

It beggars belief that DfE Ministers now want to take wide powers to throw all the social work regulatory cards up in the air again, particularly when Department of Health Ministers have made no criticisms of the PSA or the HCPC. Moreover, as I understand it, Department of Health Ministers are discussing with interested parties a public consultation on new legislation in this area following a Law Commission report on the legislation covering all health and care professions, including social workers. This could well be followed by a draft Bill, which might be the subject of pre-legislative scrutiny by both Houses of Parliament.

What light can the Minister shed on how Part 2 fits into this wider piece of work going on in government? Why do DfE Ministers want to set up a totally new body for social workers, rather than build on the work of the existing regulator? What consultations have they had with Department of Health Ministers and officials and the professional bodies concerned? What are their dissatisfactions with the current regulators, and what estimate have they made of the costs of implementing Part 2, given that it cost about £18 million—and that was some time ago—to shut down the GSCC and transfer its functions to the HCPC?

Part 2 also has the rather puzzling feature that a DfE children's Bill seems to give the Secretary of State for Education sweeping powers to amend the regulation of social workers who work with adults—currently, as I understand it, the responsibility of the Health Secretary, who is of course, as we have often debated in this Chamber, trying to integrate health and adult social care. Have I missed a machinery of government change somewhere along the way? I say frankly to the Minister that, as things stand, I will want a lot of convincing that Part 2 should stay in the Bill, and I will want to test opinion on that issue across the House when we get to Committee.

Part 2 is not my only concern. I do not have time to go into a great deal of detail but, like others, I am unclear how the provisions on corporate parenting in Clause 1 are a massive improvement on similar provisions in the Children Act 1989. I certainly do not think that, as others have said, they are drawn sufficiently widely to cover all the services that looked-after children need both when in care and when they leave care. We need to widen the scope of Clause 1 if it is to stay in the Bill.

Although I welcome the idea of personal advisers, I have a number of concerns. First and foremost is the whole issue of vetting and ensuring that they are fit persons, given the current concerns to protect vulnerable young people from predatory adults. We do not want to create a field day for groomers. Also, we must ensure that personal advisers have the training, skills and supervision to do a good job. We need to explore in Committee how we ensure proper training and vetting for personal advisers and the possibility of a register.

Finally, there is Clause 15, which a number of people have mentioned, with a new power to test different ways of working. I have been around in public services for a long time, and it is pretty unusual to try to legislate for innovation. However, if that is what the DfE wants to try, we need to ensure that, in doing so, it and the local authorities do not sweep away the range of children's safeguards and rights that have built up over many years—indeed, over many decades. I would find it helpful if the Minister could set out in writing a description of the kinds of obstacles that are to be swept away and what rights would be eliminated as a consequence. In the absence of more convincing detail, I think we will want to explore in Committee some form of independent scrutiny of any proposals falling under this power before they are approved.

I assure the Minister that this is not an exhaustive list of my concerns, which I will want to pursue in Committee. Because of the way that the Government have organised business, I, and I suspect others, will be putting down tomorrow my first tranche of amendments.

6.41 pm

Lord Bichard (CB): My Lords, I declare an interest as chairman of the Social Care Institute for Excellence and as a vice-president of the LGA.

Inevitably, we have reached a stage of the debate when I shall be adding my voice to others already heard on some of these issues. Therefore, I will try to be brief. However, it is important that the Minister understands the weight of feeling that exists across the House.

[LORD BICHARD]

I am slightly more positive than my noble friend Lord Warner about some aspects of the Bill and welcome much that is here. However, this Bill could easily become a missed opportunity unless our deliberations and many of the points that have already been made today are taken into account. Some of those points do not seem to me to be controversial; they are certainly not political. I hope that the Minister is prepared to listen, take those into account and make some early amendments.

I am afraid to say that I have considerable sympathy for the points that have already been made by my noble friend Lord Warner in relation to Part 2, but I will confine my comments to Part 1.

I rather welcome the articulation of the corporate parenting principles in Clause 1. Like the right reverend Prelate the Bishop of Durham, I am especially pleased to see subsections (2) and (3), which require local authorities to have regard to the need to encourage children and young people to express their views, wishes and feelings, and for those to be taken into account. I welcome that commitment to giving young people a more central role and greater power to influence policy.

On a point of detail—although maybe it is not just a point of detail—I wonder why the duty is merely to "have regard to". Why do we not just place a duty on local authorities to have regard to the voice of young people and to reflect that in their services and policies? It seems to me to be rather mealy-mouthed: let us make it a straightforward duty on local authorities. However, the important point is that we find better ways of ensuring that children's voices are heard when they have not always been in the past, whatever the rhetoric.

As others have said, once again, Clause 1 is an example of central government being happy to place duties and responsibilities on local authorities but failing to put its own house in order. I was a chief executive of two local authorities and a Permanent Secretary of two government departments. I can tell the House where collaboration is more likely, and it is not in central government. Therefore, like others, I would like to see Clause 1 extended to central government and its associated agencies. The Minister may well tell us that the Government already publish a cross-departmental care leavers strategy which recognises that central and local government have a unique relationship with children in care and care leavers. But why do we not just place a duty on central government departments and their agencies to act in the best interests of care leavers so that DCLG, the Department of Health, the Department for Education, DCMS and the Home Office have a responsibility to resolve some of the current anomalies and work better together for care leavers in the future?

I am sure the Minister is aware that, at the moment, care leavers remain a priority housing need only until their 21st birthday, but their exemption from the shared accommodation rate expires on their 22nd birthday and they are subject to labour market conditionality when they turn 18, with a significant number then facing sanctions. These are just a few examples of how central government departments have so far failed to act coherently. We need to do better.

Clause 2 requires local authorities to publish information about the services offered to care leavers. I think that is a step forward. Again, I am especially pleased to see the duty for a local authority to consult care leavers and their representatives about the services offered. However, we need to go further. Speaking as an ex-bureaucrat, I know that consultation can often be a hollow process, the results of which are too easily ignored.

Let me make two very simple, practical suggestions. The first is that local authorities are placed under a duty to publish a formal response to that consultation so that care leavers and their representatives can see that their contributions have been properly considered. I have been campaigning for that for government departments for a long time, but let us just confine it to local authorities for the purpose of this debate. Secondly, a duty should be placed on local authorities—this is something that many already do—to establish a care leavers council to keep the local offer under review. Many authorities, such as Birmingham, already have this kind of forum in place, but why not give it some statutory weight to ensure that it is uniform practice across the country?

Clause 3 proposes that local authorities must provide care leavers with a personal adviser until the age of 25 "if" the care leaver requests it. As the noble Baronesses, Lady Hughes and Lady Massey, the noble Lord, Lord Wills, and the noble Earl, Lord Listowel, have already said, why only "if" it is requested? Why do we not switch it about and make it a responsibility on local authorities for all care leavers up to the age of 25 to have an adviser unless the care leaver informs the authority that they do not want one? My fear is that, otherwise, many care leavers will either not know that an adviser is available or not be confident enough to request one. Place the onus on the authority and not the care leaver.

The failure of children in care to achieve acceptable levels of educational achievement has been a national scandal for far too long. Indeed, I first spoke of it when I was Permanent Secretary at the Department for Education and Employment almost 20 years ago. Levels of attainment have improved but they are nowhere near good enough. Therefore, I welcome the provisions to make available advice and information to promote the educational achievement of care leavers, as well as the provision for maintained schools and academies to designate a member of staff to promote this.

However, if that makes sense for maintained schools and academies, should not something similar be in place in early years provision, FE colleges and universities? Already in this debate, the noble Baroness, Lady Shephard, has pointed to one excellent initiative in a university. Should we not place the same responsibility on those institutions? Call me a sceptic, but is it not because those institutions happen to be the responsibility of another government department and therefore it has just been a bit too difficult? Well, it should not be too difficult. We should place responsibility on those institutions too.

Clause 11 in Chapter 2 relates to the proposed Child Safeguarding Practice Review Panel. This panel will identify the most serious child safeguarding cases and arrange for those to be reviewed under its supervision.

I do not in principle have a problem with that, but I need to point out that, since the 1973 Maria Colwell case, we have had literally hundreds of serious case reviews, many—the majority—of which reached very similar conclusions. We have not been short of reviews wherever they have been undertaken. We have not been short of lessons. The problem has been the failure to translate the lessons into action and change, which might involve redesigning systems, procedures or training. As far as I can see, there is nothing in Clauses 11 to 14 that gives me any more confidence that action is more likely as a result of the Bill.

When I chaired the Soham inquiry, I decided to publish six months after the report a follow-up report on how the Government had responded to my recommendations. I am absolutely convinced that, had I not done that, we probably would not have had, for example, the Police National Database that we now have, or a system of enhanced CRB checks, which I know has not been without problems. It is not for me today to suggest how the Government intend to ensure that necessary action is taken on the conclusion of the panel's report, but unless that is addressed more convincingly, these provisions are frankly bureaucracy without a purpose. If the intention is to rely on the existing powers of the Secretary of State to implement the recommendations, the Secretary of State should be required to report to Parliament once a year on what action has followed the various reviews that the panel has undertaken.

As I said, when I read Part 1 of the Bill I was encouraged, but only to a point. It could, with a few changes, be so much more significant and I hope that the Minister will be prepared to take some of them on board. I also agreed very strongly with the noble Baroness, Lady Tyler, when she expressed the hope that our considerations would demonstrate that we value and respect the extraordinary work that so many social workers carry out in the most difficult circumstances. Too often, the emphasis has been on blame and failure. That is damaging and unfair, and I hope in our deliberations that we will do something to redress that balance.

6.52 pm

Lord Mackay of Clashfern (Con): My Lords, it seems a long time since I introduced the Bill that became the Children Act 1989 to this House. It is true that the Department of Health played a great part in that Bill, but it did not exclusively regulate what went into the Bill because it followed work by the Law Commission, which was then subject to the Lord Chancellor's Department. Of course, the Lord Chancellor's Department had a general remit in relation to the civil law that was not particularly allocated to a department, so the general law in relation to children was something that the Lord Chancellor's Department had an interest in.

The Minister of State at that time in the Department of Health was David Mellor and there was an extremely experienced gentleman called Rupert Hughes who knew absolutely everything that could be known about social work. Not only did he have knowledge about it, he also had wise advice to tender to Ministers about what was feasible. I am glad to know that the structure of the 1989 Act has played a very full part in regulation since.

I confess to having two sadnesses. The first is the extent to which the care system has let down so many of those who were entrusted to it. The second is in relation to the extension for care leavers to be looked after, too, which was strongly urged on us in 1988 and 1989 by Lady Faithfull and others. It was difficult enough to get what we wanted at the time: to get more was not quite so easy. I had hoped that ultimately it would happen. It seems to me that this Bill gives us a very good opportunity to make that happen.

The principles laid out in Clause 1 are referred to as corporate parenting principles. There must be a limit to the number of organisations that will claim corporate parenting of a particular child. Any question of other departments or agencies being required to conform to these principles is a separate and distinct matter from corporate parenting. The local authority in terms of the Children Act 1989 is really given the responsibility of a parent where it is necessary for the state to intervene. The principles of parenting, therefore, should apply to the local authority. I see no reason why similar principles should not be applied to the other branches of government and agencies that are interested, and, in particular, government departments in relation to the various matters that have been referred to. I will not weary your Lordships by referring to them again. But the system of having corporate principles in relation to parenting strikes me as extremely wise.

One aspect of this has been mentioned by many others already: continuity. In the management of local authorities it is extremely difficult to have continuity with the people actually looking after the child from time to time because people change and so on. I am not particularly enamoured of the idea of a personal adviser for a child. I feel that we need the people in the local authority's service who are actually looking after the child to have some kind of continuing relationship with the child. I understand that it is difficult and not easy to fulfil with management, but it is vitally important.

I am supported in that by the finding of the noble Lord, Lord Harris of Haringey, in his excellent report to the Government on deaths in custody that somebody should have responsibility for the care of a vulnerable person in the system. So far, the Government have not accepted that recommendation, but I always hope that they will do. Certainly, emphasis on this is extremely important. I agree that it is difficult to do, but emphasis should be laid on this in relation to part of the clause that deals with relationships. Clause 1(1)(f) is one of the few places in the Bill that mentions relationships, and the need,

"for those children and young people to be safe, and for stability in their home lives, relationships and education or work".

That has already been referred to in relation to schools and it should be central if this change is to be successful.

The constitutional issues raised by my noble friend Lord Lang of Monkton are obvious. I listened to my noble friend Lady Shephard, who said that we should not be too concerned with these. I am not going to concern myself much with them, but I will say that if it is possible to have the proposed statutory regulations in draft form before Committee, it might be equally possible to deal with another aspect of the Constitution Committee's report, which is to change it into statute and make these amendments to the statute.

[Lord Mackay of Clashfern]

I agreed very much with what the noble Lord, Lord Warner, said about trying to change the present system. It seems to be a reasonably good system for regulation, but for the promotion of social workers, a chartered body would be useful—but it would not be a disciplinary body. The BMA is not a royal chartered society, as was mentioned in another connection. The regulatory functions in relation to health are in hands other than those of the royal colleges, but they promote the status of their members. I am an honorary fellow of one or two of them so I must not say too much, but a body with the function of promoting the stature of social workers is required.

I am extremely conscious of the kind of decisions that social workers have to take and for which they may be called into question—a point on which the noble Baroness, Lady Meacher, was very eloquent. When I was a law officer in Scotland, I was involved in a fatal accident inquiry in connection with the death of a little girl who had been killed by her brother. Her brother had been violent and had been taken into custody. He managed to elude his custodians and he went home. He was at home for a time and the social worker knew that he was there, and that he should not have been. But the social worker felt strongly that the brother wanted to try to co-ordinate the family and bring everyone together. Sadly, his wish did not work.

I saw the terrific stress that is put on social workers in that kind of situation, because they feel that they ought to be seen as friends of the family, not as representatives of outside authority such as the police or the prosecution service. These are conflicts of interest, if you like, which used to be said to be part of the functions of the Lord Chancellor. This is just one illustration of a problem that happened to come before me early in my life; I am sure that there are many other aspects to this. But the fact is that social workers have to take difficult decisions and often have a great deal of work to do. Those are matters that we have to think about.

So far as the second part of the Bill is concerned, I do not propose to say anything more about it except that a good deal of what has been said requires to be considered very carefully.

7.03 pm

Baroness Lister of Burtersett (Lab): My Lords, in his letter to colleagues the Minister, Edward Timpson, stated that the Bill,

"demonstrates our commitment to making sure that every child, regardless of background, has the opportunity to fulfil their potential".

That is a laudable commitment and, to the extent that the Bill demonstrates it, I welcome it, especially in so far as it will promote the well-being of looked-after children and care leavers—although not, I regret, those asylum-seeking care leavers excluded by the Immigration Act 2016. But the closer I look at the Bill and the briefings received, for which I am grateful, the harder I find it to welcome it wholeheartedly.

This is partly because for all the Government's talk of improving life chances and an all-out assault on poverty, the Bill does not take sufficient account of two key contextual factors with huge implications for the life chances of the less advantaged: cuts to local authority funding, especially in deprived areas, and the impact of poverty and socioeconomic inequality. I shall return to these issues in a moment. First, I shall touch briefly on some specific worries that inevitably echo, but I hope also reinforce, some of the concerns already raised. Moreover, these worries are heightened by the overreliance yet again on secondary legislation for essential details, a point which has already been mentioned.

Although I have never been a social worker, for six years I headed a university department that educated social workers. Colleagues from that time have expressed profound worries about the threat to the independence of the social work profession contained in Part 2. Is any other profession subject to direct government regulation in this way? In what circumstances is it expected that the Secretary of State themselves would act as the regulator rather than appoint someone else? Further, which Secretary of State would it be? The Bill is far too vague and is drafted as if adult social work simply does not exist.

A number of organisations, notably Article 39 and the British Association of Social Workers, have voiced fears about the threat to children's social care rights and entitlements in Clauses 15 to 19. As the National Children's Bureau puts it,

"the case is still to be made".

While there is widespread acceptance of the case for innovation, these bodies and other children's charities pose some pertinent questions. As other noble Lords have asked, why is such a broad power necessary to enable innovation, not least given that some local authorities have shown that it is possible to innovate within the current law? Can the Minister give an example of where exemption would be needed to improve outcomes for children, and can he advise me, if necessary in writing, on which local authorities have sought such an exemption and from which duties?

I turn now to adoption. What the Bill says is not in itself exceptional, although I did wonder why the extension of the definition of relatives to include prospective adopters does not also explicitly include existing legal relatives such as grandparents. As Article 39 points out, they could find that insulting and upsetting. Article 39 also laments the lack of any provision for due consideration to be given to the child's ascertainable wishes and feelings, and the same applies to the information required in permanence plans, an issue raised more generally by the recent UN Committee on the Rights of the Child observations on the UK, mentioned in another context by the noble Lord, Lord Ramsbotham.

My general concern arises more from the way in which the issue has been spun. In his recent *Sunday Times* article, the Prime Minister declared himself,

"unashamedly pro-adoption because I believe all children need a loving, permanent and stable home".

Of course we all believe that, but it does not follow that adoption is the only or always the most appropriate means of providing such a home, as the president of the Association of Directors of Children's Services, among many others as well as colleagues in this House,

has warned. Valuable as adoption may be, a presumption that it is always best risks marginalising other forms of care with implications for their resourcing at a time of funding cuts, disadvantaging children in care for whom it is not an option, as the Select Committee on Adoption Legislation warned back in 2013, and alienating parents fearful that contact with children's services is likely to mean the permanent removal of their child.

Many parents who are fearful of losing their children will be living in poverty. In considering where the balance should lie on adoption, we need to take what Mr Cameron called in his life chances speech "a more social approach". This requires us to take account of poverty and socioeconomic inequality. A recent evidence review for the Joseph Rowntree Foundation found a "strong association" forming a clear gradient between families' socioeconomic circumstances and child abuse and neglect. While the authors are confident of this broad conclusion, they also underline the inadequacies of the evidence base in this country. Given that area-based analysis, smaller-scale studies and professional experience as well as cross-national data all point to the overwhelming impact that deprivation can have on parents' ability to care for their children, it seems extraordinary that official statistics on looked-after children tell us nothing about their parents' socioeconomic circumstances. Will the Minister please undertake to look into this omission?

It is important to stress that, in drawing attention to the link between poverty and abuse and neglect, the issue should be framed as one of public policy and inequality rather than of individual blame that further shames parents, for whom research shows that disrespectful treatment and feeling judged already contribute to the pressures they face. Overwhelmingly, the research shows that it is the stress associated with poverty that can undermine parental capacity, so that the very survival strategies that parents, especially mothers, adopt to get by can leave insufficient mental and physical resources for them to be the parents they want to be.

Yet, in the words of the JRF review,

"poverty often slides out of focus in policy and practice".

The result can be that policy and practice are geared more towards the downstream investigation of abuse than upstream preventive work to support hard-pressed families, as recently called for again by the UN Convention on the Rights of the Child, and, three years ago, by the Select Committee on Adoption Legislation. A recent article in the *British Journal of Social Work* shows how this has been increasingly the case, leading to,

"concerns about the way in which poor communities are subject to statutory surveillance and control, and about the stigmatisation of families who may not be abusing their children but are nonetheless drawn into the child protection process".

This is all the more worrying in the context of cuts in spending on what has been called the "ecosystem" of family support, the additional funding for the troubled families programme notwithstanding. The fear is that the ecosystem could be shredded still further as a disproportionate share of funds is directed towards adoption services.

Cuts in local authority budgets also raise the question as to how effective in practice will be the welcome duty to consult on and publish a "local offer"—call me old-fashioned, but I wince at the use of this ugly market language in our legislation. As many organisations point out, the offer can be only as good as the services available. How will it of itself address gaps in service provision? Without a needs analysis, how will it do any more than provide information on the existing services, regardless of whether they are adequate to meet care leavers' needs? Moreover, as the Children's Society points out, all too often care leavers face poverty and debt, in part as a result of central government's social security policies, as raised by other noble Lords.

Once again, as we scrutinise the Bill more closely, we need to bear in mind its social context, otherwise even its positive elements could simply hold out false hope to looked-after children and care leavers. That would be unforgiveable.

7.13 pm

Baroness Benjamin (LD): My Lords, as I came into the Chamber today I was approached by campaigners who wanted to highlight the concerns of mothers, kinship carers and academics about the devastation caused to children and their families by unwarranted forced separations—children forcibly taken into care or adopted unnecessarily. I hope that the Government will listen—the Minister is known to do so—and give careful consideration to all that is being said by campaigners and other noble Lords as we forge ahead with this Bill, and that they do everything possible to limit the lifelong traumatic impact that it might have on children.

I will focus my speech on children in care and care leavers. I welcome many provisions in the Bill, which seeks to safeguard and improve the lives of some of the most vulnerable children and young people in our society, including those in or leaving care. Like other noble Lords, I passionately believe that we have a moral duty to support, protect and nurture children in care. All too often, children enter the care system with the terrible legacy of abuse and neglect casting a shadow over their lives.

I commend the Government for taking the important step of defining the principles of corporate parenting, but this needs to be clarified. It is vital that we get the support right for care leavers, but also that we ensure that children who are currently in care are offered the right support at the right time and in a manner of the child or young person's choosing. Therefore, as has been said by other noble Lords, we must make every effort to address the mental health and emotional well-being of looked-after children. I urge the Government to include specific measures in the Bill that will improve the well-being of children in care.

As I have said in previous debates, with the support of the NSPCC, children entering care should be adequately identified and receive an assessment of their mental health and emotional well-being by a professional with specialist training in the mental health of looked-after children. That is so important. Also, the corporate parenting principles should include the responsibility to ensure that the children are offered the support they need to recover from the psychological harms caused prior to entering the care system. Provisions must be made to guarantee that children in care will never be denied access to, or disadvantaged when trying to access, mental health services, never be told

[BARONESS BENJAMIN]
that they cannot get professional help because they are not in a stable placement, or disadvantaged if they move to an out-of-authority placement. Shocking statistics show that 40% of those in prison, under the age of 21, were in care as children—so, too, were 25% to 30% of the homeless population.

Children who have been abused or neglected could face long-term mental health problems throughout childhood because of the lack of support, so it is essential that we can deal with difficulties early—as early as possible—and offer the right support. However, NSPCC's It's Time campaign found that there are not enough therapeutic services for children who have been abused or neglected. This is cause for major concern, as there are more and more reports of child sexual abuse occurring every hour. We have almost 70,000 children living in care. We need to take action now to protect these children, as well as support them with holistic, joined-up policies, and not allow them to slip through the net.

I will now focus on care leavers. I have long backed calls from Barnardo's and other charities—I declare an interest as vice-president of Barnardo's—that care leavers up to the age of 25 should have access to a personal adviser. The Bill makes real progress on this, which is very welcome. But, despite some important legislation in recent years, much more needs to be done to support care leavers, because the outcomes of the 10,000 young people who leave care every year are still much worse than those of their peers. They leave school with fewer qualifications, are less likely to get a good job, are more likely to be homeless, and are more likely to have mental problems, or even commit suicide. These young people deserve better life chances. So it is great that the Bill introduces a duty on local authorities to publish their "local offer" for care leavers. I welcome any steps that the Government take to make this clearer, because many young people do not know which services they can access. But, more seriously, in many places, services are simply not available to meet care leavers' diverse and often complex needs. I plead with the Government to consider strengthening the Bill so that we can make the most of this unique opportunity to transform support for young people who have been in care.

Will the Minister include in the Bill a clear principle that all young people who have been in care are entitled to support up to the age of 25? This has to be made clear. It would place the onus on the local authority to reach out and offer support, rather than waiting for vulnerable young people to seek it out for themselves. Secondly, will the Minister consider extending the "local offer" so that it is not just a duty to publish a list of existing services, but to make an assessment of local care leavers' needs and to provide services which are adequate to meet those needs? Thirdly, will the Minister include an outcomes framework in the Bill so that local authorities and the Government have to report annually on areas such as education, work, apprenticeships and mental health for children in care and care leavers?

I know the aim of this Bill is to improve children's life chances, and it is on the right track, but the devil is in the detail. We therefore need to make sure there is clear accountability in place so that we can drive forward improvement and give young people a proper chance to contribute to society in a dignified and meaningful way, not only for the sake of society but for their own children and generations to come—because, as I always say, childhood lasts a lifetime.

7.21 pm

Baroness Young of Hornsey (CB): I direct noble Lords to the register of interests for my activities in this area but draw attention to my support for the Access to Care Records Campaign Group, an alliance comprising the Care Leavers' Association, CoramBAAF, the Association of Child Abuse Lawyers, Post Care Forum and Barnardo's.

Like other noble Lords who have spoken this afternoon, I believe that any measures that will have a positive impact on the lives of the 69,000 looked-after children—and here I want to say that there is a really big, unarticulated question to address about why we still have such huge numbers and why we do not seem to have made very much impact on reducing these numbers—will be a step in the right direction. Of course we support that. There are a number of admirable intentions embodied in the Bill, but admirable intentions on their own are not enough. We will thoroughly analyse, debate and scrutinise the Bill during its passage, as we have already begun to do.

Along with the members of the Access to Care Records Campaign Group, I believe that it is crucial that the needs of adult care leavers over the age of 25 years are not overlooked when it comes to their family connections, their life in care and the decisions made about them. I realise this is a difficult area because once people reach the age of 25 years they are adults, not children. This group does not fit neatly into any particular category. However, although people are not defined by their status as care leavers, it is true that their lives are shaped by that experience. Not fitting into established categories is no reason for ignoring a particular group.

Too often, the dominant assumption is that, for people brought up in care, the need for services is confined to the time they are in care or for a few years afterwards. There is very little recognition that being in care has lifelong implications. The reality for many people who have spent all or part of their childhood in care is that the repercussions of their experience reverberate throughout their lifespan. They want to know about their family connections and why they grew up in care. This moment when the desire to know is overwhelming may not come until the person concerned is in their 30s, 40s, 50s or even older. There is an urgent need for the Government to ensure that the lifelong needs of adult care leavers are put on the same footing as those of adopted people, particularly in terms of access to information about their birth family and support and intermediary services. To achieve this effectively, we argue that specific legislation is required.

Whatever the age of the care leaver, at some point it is possible that they will want or need to see their care records. Requests from care leavers for access to information from social care records come under the Data Protection Act 1998. The DPA, however, is not

an effective way to meet their information needs: it does not take into account the particular predicament of care leavers, who mainly want to obtain a family history and details of their parents and siblings. The requirements of the DPA are such that it can mean that care leavers may be given very little or disjointed information because of the restrictions on the data controller's ability to provide personal information about a third party without consent. As a result, the adult care leaver may not receive a coherent narrative about the reasons why they came into care, their family circumstances at that time, and decisions and actions taken while they were in care. As one care leaver has described:

"I had been in care for 15 years and found out I could apply for my records, but all I got was 10 sheets of paper with lots of information blanked out—I wondered why I bothered to access the information as what I got did not make a lot of sense".

Under adoption legislation, the adoption agency has greater and more flexible discretion to provide information about the adopted person's birth family than is currently possible for older care leavers. Not everyone is aware of this disparity because there seems to be an unfounded assumption that what applies to those who have been adopted applies to care leavers. It does not. A survey of local authorities published in 2005 found that they had struggled with the release of information about third parties because of the fear of breaching the Act's requirement to maintain confidentiality of personal information. The study also showed that practices and policies for accessing information under the DPA varied enormously from one local authority to another.

When we raised these issues two years ago, during the passage of the Children and Families Bill, the noble Lord, Lord Nash—who is not currently in his place—and his officials made significant progress towards embedding the rights and needs of older care leavers with regard to access to care records by issuing revised guidance, for which we are grateful. Sadly, however, the system has not moved far enough or fast enough. We therefore hope to continue this dialogue with the department.

We have explored this area in some detail through a series of round-table discussions held across England last year, organised by campaign members. Data controllers, social workers, adult care leavers, legal representatives et cetera gathered together to discuss what was then the new guidance. We encountered similar results to the research to which I referred earlier: in spite of good intentions, inconsistencies and deficiencies in service delivery and support persist.

Helping adult care leavers with unresolved issues about their pasts, and/or a lack of information about their families and personal histories, can be of substantial value for them as individuals and for their families. It can provide a fuller, more rounded sense of identity and a greater sense of security. The importance and benefit of establishing a statutory framework to secure the right of adult care leavers to receive a full account of their care and family history is evidenced over and over again when talking to these care leavers. A change in the law to establish that right would be consistent with the recognition in the current Bill that the state is the corporate parent for people who have grown up in care, regardless of when. That framework would recognise that parenting is a lifetime responsibility and secure rights on a par with adopted people for all care leavers.

Can the Minister confirm that the letter from him and the Minister for Children, Edward Timpson, dated today, which states that the corporate parenting principles apply to the local authority as a whole and not just to children's services, really does mean that those responsible for administering the DPA will be more sensitive to the needs of care leavers when advising on what to redact in care records?

Clause 1 of the Bill introduces a set of corporate parenting principles for all local authorities, as so many noble Lords have noted. Like others who have referred to briefings from various organisations, I believe that those parental responsibilities should include a principle for aiding recovery, especially given the trauma and abuse so often endured by children when taken into care. Clause 2 outlines a duty for local authorities to provide information to care leavers about the services that they are entitled to access. This is to be welcomed, but surely there should be a similar offer of information for foster parents, especially with regard to support services for those who seek information on their care records?

Finally, according to ONS statistics quoted in a House of Commons Library note of October last year, mixed heritage groups and black or black British groups make up approximately 9% and 7% of the looked-after population respectively. This means that these minority ethnic groups are overrepresented in the care system. Again, we might ask why, but it is perhaps more pressing to ask what we are going to do about it. Although the absolute numbers may be relatively small, the impact on these children and young people in the care system may be exacerbated by issues relating to race, ethnicity, faith and culture. In addition, given that we know that young black men, in particular, experience disproportionately negative outcomes in the criminal justice system, and that children and young people in care are overrepresented in the criminal justice system and are prone to mental health problems, we have an established, damaging cycle of institutionalisation for these young people and their communities.

Will the Minister tell the House what the Government's strategy is on the issue of black and mixed heritage children in care, and how his department might contribute to the review on racial bias in the criminal justice system which is being carried out by the MP for Tottenham, David Lammy, at the request of the Prime Minister? We know that many children and young people manage to thrive and go on to have very positive experiences during and after care, so we should not convey to them that they are somehow doomed to failure and that there is no way out. However, we all know and recognise that there is no doubt that too many are utterly crushed by their circumstances and experiences.

I look forward to the debates to come as I am sure that, with our combined efforts, we can make a significant contribution to improving the lives of children and young people in care and of care leavers of every age.

7.31 pm

Lord Suri (Con): My Lords, it is a pleasure to speak in favour of this Bill. The Bill ties up some very important loose ends when it comes to the protection of vulnerable children and the contact they come into with the state, especially when leaving care. One important anomaly which has been resolved is that the Bill gives prospective adopters with whom the child is placed the same rights as birth parents in care proceedings. This has been a persistent issue in care proceeding cases, and has given the impression that children and prospective adopters are somewhat less than a family. I am glad that this has been resolved.

Another important proposal is that social workers will be required to factor in harm previously suffered, or likely to be suffered, for children involved in care proceedings. This will have to be part of their permanency assessments and plans. Of course, for almost every social worker, this is already happening. For a child taken into care because of a violent or abusive upbringing, it is a critical factor. Enshrining the principle in law is an important step in codifying the pathway that leads to a secure future for caregivers. In this and the other place, senior Members have been pushing for increased devolution of services. I firmly believe that this is a sensible agenda to take forward. It gives power to those who know best how to use it and shifts decision-making further down the impact chain to the people directly affected.

Both the Prime Minister and the Secretary of State for Education have spoken about giving the higher-performing children's services academy-style powers. I am glad to see that there was a wide-ranging consultation with eight high-achieving "partners in practice" to write the Bill. Legislation without consultation provides the worst law. The Bill allows the Secretary of State to modify the way statutory duties apply to a local authority in regard to the 1970, 1989 and 2004 Acts. This is a sensible development. Some of the legislative burdens on children's services are outdated and irrelevant. Allowing high achievers to request an opt-out from regulatory burdens that do not provide a tangible benefit is just common sense. Furthermore, the flexibility to find different ways of working can yield lessons for government and further reform to make services more impactful.

As with all devolution, this must go hand in hand with more robust oversight. In this vein, I support the new child safeguarding practice review panel, to be established by the Secretary of State. It will identify serious child safeguarding cases in England that raise complex issues of national importance, and review them if necessary. It is my hope that any cases that arise which involve institutional failings are written in consultation with the independent inquiry into child sexual abuse led by Dame Goddard. Joined-up, cross-inquiry thinking is always more effective than individual reviews.

Finally, I welcome the positive development, loaned from the Children and Families Act 2014, of the local offer. Requiring local authorities to make care leavers aware of services is an uncontentious and sensible proposal.

7.37 pm

Lord Judd (Lab): My Lords, at the outset of my remarks I will take up what I thought was a very important point made by the noble Lord, Lord Bichard. He was really rather laying into the universities for their total failure to play the part they should be playing in ensuring the opportunities they should be ensuring in society. I am sure that he will agree that what universities are all suffering from is a neurosis about league tables and allowing nothing to detract from the job of getting the good academic records that are necessary to enable them to survive and secure the resources they need.

Part of their remit should be to address social issues and to help build an inclusive society. Therefore, they should make sure that they are being brave in their selection methods and that, within their operation, once those from disadvantaged or vulnerable backgrounds have been selected, there are arrangements in place to ensure that they do not fail and, as it were, compound the disaster. It is essential that they do all that. I think that it is absolutely deplorable that the universities are not, in all their deliberations between themselves and the rest, agonising about this issue and thinking about how they can tackle it, rather than, as they are at the moment, seeing it as a difficulty and an obstacle to achieving the excellence which they see as their overriding culture.

The noble Baroness, Lady Shephard, entreated us to avoid inadvertently generating a negative spin around what is a hopeful Bill. I agree with her: I see the Bill as a glass half full, not one that is half empty, but it will be quite a challenge to all of us in this House to fill the glass. In order to fill the glass it is very important to see the situation against which the Bill must be measured. It is not just a bit of legislation that can be looked at theoretically, academically and intellectually; it is a matter of looking at the needs and challenges all the time, as my noble friend Lady Lister just said clearly, and making sure that what is proposed meets people's real, existing needs.

If we are going to do that, it seems to me that it is terribly important to listen to the agencies in our own society that carry so much of the responsibility and do the work—the front-line agencies. There is, of course, the very interesting Children's Rights Alliance that brings together a number of charities and voluntary organisations which are carrying heavy burdens in this respect and doing exemplary pioneer work. I was very struck by a communiqué that it sent out in the last few days which drew our attention to the work of the United Nations Committee on the Rights of the Child. We should not sigh at the mention of that body as we were right in the front line of arguing for the creation of this mutual concern at the UN and the machinery to deal with it and monitor the situation around the world. So when the committee makes reports, it behoves us to heed them and see what they say.

The Children's Rights Alliance points out that the UN report published last Thursday made 150 specific observations about the inadequacy of the situation within the United Kingdom—that is, people from outside constructively looking at the situation and what needs to be addressed. The UN body says that

the situation has improved since 2008 when it last reported, which is to the credit of the Government. But it makes some very clear observations. That is not easy for some people to accept.

The UN committee makes the point that,

"fiscal policies and allocation of resources",

are,

"disproportionately affecting children in disadvantaged situations".

It also points out that,

"when developing laws and policies affecting children",

it is essential to look at the real needs which that legislation is designed to address, as I said a moment ago. The UN committee also says that it is very important for the Government to develop a comprehensive action plan in which all relevant government departments are involved and not simply to confine the responsibility to a limited area, as all government departments dealing with society have a responsibility in this regard.

I will draw attention quickly to some of the committee's other observations. It says that we must urgently,

"get to grips with the shocking numbers of children suffering mental health problems by developing a comprehensive strategy to make sure these children's needs are not ignored and they can access vital services".

I know that a lot of thought is being given to this, but we are now being encouraged by the international community to take that seriously. The document also says that we should:

"'Strictly implement' the ban on placing children and families in temporary accommodation, including B&Bs, for longer than the six week legal limit. The UN highlighted the damaging long term impact on children's health",

that such accommodation can have if it is "dirty, unsafe and overcrowded". It is very firm on the point that the number of children in custody must be reduced, and that we need to tackle the,

"disproportionate number of … children from care in the youth justice system".

Of course, there has been a good deal of comment on that point in this debate. The committee also says that we should,

"make immediate improvements to the treatment of children in custody, including stopping the use of solitary confinement and abolishing the use of deliberately painful restraint on children".

Here we come to a point that has been raised. I understand the arguments made on the other side—namely, that it is important to get all the people involved in taking the necessary action to take their responsibilities as seriously as they should. But I am afraid that I come down on the other side. What the children we are talking about have so often lacked in life is any stability. They have lived in chaos and have no experience of sustained, continuing friendship, partnership and support. One needs people to work with those children over a prolonged period to help them to find their way through all the arrangements, the legislation and the rest. That is very important indeed.

The UN committee also makes the point that our asylum policy needs to speed up and streamline action to ensure that,

"unaccompanied and separated children reunite with their family from both within and outside the UK".

That plea comes from people in voluntary agencies and NGOs across the country who carry this real responsibility.

I will finish with this point. What examples are there of specific action that can be taken? I urge noble Lords to look at the brief that was sent out by the Royal College of Speech and Language Therapists, because it underlines a terribly important priority. It makes the point that communication difficulties are very often central to all that goes wrong, and that not enough is being done—and not enough can be done in so many ways—to ensure that all through the system people are helped with communication. This means, of course, speech therapy and the rest, but it means a lot more in that context. I urge colleagues on all sides of the House to look at that very succinct and interesting brief.

Finally, I will share with noble Lords the view that so often the crises with which we are dealing are a challenge to the prevailing values in our society—for example, the blame culture in the media, which makes me wonder sometimes how there is any morale left in the social work profession. We should send a message of solidarity and admiration from our debates to the social work profession. If you make greed the central driving force in society, there will inevitably be many casualties. We have to re-examine our own values.

7.48 pm

Lord McNally (LD): My Lords, it is always a pleasure to follow the noble Lord, Lord Judd. He leaves us with some very deep thoughts.

I open by welcoming the Bill as an indication of the Government's desired direction of travel as set out in the Minister's opening remarks. Like the noble Baroness, Lady Dean, the noble Lord, Lord Wills, and a number of others, I also welcome the Bill starting in the Lords. The speakers list today is a virtual *Who's Who* of experience and expertise on the care of children. I hope that Ministers are in listening mode as the Lords carries out its business. To pick up a point made by the noble Lord, Lord Judd, I, like most noble Lords have been overwhelmed by the briefings from the various interest groups. I am sure some may feel disappointed that their carefully crafted briefs may get two lines in a speech. I reassure them, however, that these are all carefully stored away and used to great effect in Committee and at later stages.

My reason for speaking today relates to my declaration of interests. I am the current chairman of the Youth Justice Board for England and Wales, which has direct responsibility for many of the children who we have been discussing today. Between 2010 and 2013 I was the Minister at the Ministry of Justice with responsibility for family courts, during which time I nudged down the time taken for adoption. During the past year, I have had the honour and privilege of sitting on the inquiry into the life chances of children in care sponsored by the Prison Reform Trust. A number of noble Lords have referred to its recently published report, *In Care, Out of Trouble*. Our chairman was the noble Lord, Lord Laming, and I pay tribute to him, not only for his skill in chairing the committee but for a lifetime of commitment to the welfare and safety of children.

[LORD MCNALLY]

I recently went to a lecture by a former social worker, now an academic, who said that when he was training in the 1980s the children we are talking about today were categorised as bad, mad or sad. Such pigeonholing would be seen as politically incorrect and unacceptable today. Yet it is still true that the kind of support and treatment a child receives often depends on whether they find themselves in the criminal justice system; are receiving treatment for a definable mental health problem; or have simply drawn the short straw in life in terms of poor housing, intergenerational unemployment, domestic violence, drug or alcohol abuse, undiagnosed learning difficulties or exclusion from mainstream education. There has been much progress in our approach to childcare since the crude categorisations of the 1980s. However, it is also a clear indication that there is still much to do.

As we have heard from a number of noble Lords, we have to do more and become more sophisticated in listening to the voice of the child. As the noble Lord, Lord Nash, himself indicated, we also have to do more to ensure that the various agencies responsible for a child's welfare become more willing and more efficient in sharing information so that, at any point in the child's journey through the system, those making decisions about safety and welfare have the fullest possible picture of their needs and vulnerabilities. I echo the point made by the noble Lord, Lord Bichard: some of the greatest silos that still exist are in Whitehall. One suggestion of the Laming committee was a ministerial committee to help break those silos down.

The Youth Justice Board has been the pioneer and pathfinder in this respect. Our youth offending teams bring a cross-disciplinary, holistic approach to their work. Today we oversee record lows both in the number of young people under 18 in our secure estate and in first-time entrants to the criminal justice system. That has not been the success of the YJB alone. It has been because of the buy-in to such a holistic approach by the police, the courts, social workers, children's services, probation, youth workers and educational and health professionals. That approach is underpinned by the statutory duties written into the Crime and Disorder Act 1998. That is why the Government's desire to see, in this Bill, new ideas and providers to encourage innovation among the new regional authorities is entirely commendable but also a cause for concern. We will have to examine Clause 15 very closely in Committee. Clause 15(2), which reads very much as a deregulation clause, may indeed allow a thousand flowers to bloom, but it may also enable authorities to ignore responsibilities which hitherto have been underpinned by statute.

A number of noble Lords have referred to the work of the Laming committee, on which I served. The inquiry gave us some important benchmarks. It is worth remembering that 94% of children in care do not get into trouble with the law. However, children in care are six times more likely to be cautioned or convicted of an offence than other children. The Laming committee was careful not to draw a straight-line cause and effect from those numbers. They enter the criminal justice system not because they have been in care. They are in care because they suffer many of the same influences and disadvantages faced by other young entrants to the criminal justice system. What Laming found, and I hope the Bill will address, is that looked-after children all too often have disadvantage heaped on disadvantage. In evidence to Laming, too many children spoke of a pass-the-parcel existence, with no constant adult role model or mentor. The Home Office continues its inexplicable dog-in-a-manger attitude to establishing a national police protocol to prevent the overcriminalisation of children by police being called to children's homes for matters which in a domestic setting would be settled by mediation, restorative justice or just plain common sense.

The overrepresentation of black and ethnic minority children in our care and criminal justice systems requires focused action at all levels of government. The YJB has worked closely with the noble Baroness, Lady Young of Hornsey, on these matters. We are also engaging with David Lammy—to whom she referred—whose report was commissioned by the Prime Minister.

There is no time today to go into more detail about the recommendations of the Laming report, but it should be required reading as the Bill moves forward. I will highlight one other recommendation, referred to by the noble Lord, Lord Farmer, which is to provide early support for children and families at risk. That is surely the main learning from the last 30 years. The sooner and earlier we get upstream in dealing with these issues, the better the chance we have of solving them. It is important to recognise the strong influence that the family context can have on a young person, their offending behaviour and the risk of their becoming a perpetrator or victim of crime. In the context of the Bill, I welcome the expanded troubled families programme, which incentivises services to come together and consider the overlapping nature of the problems being faced, such as mental health, domestic abuse and youth offending, rather than consider each problem in isolation.

Noble Lords have heard a lot of references to mental health and there is a clear body of evidence demonstrating that good emotional well-being is central to a supportive experience in the care system. Yet there is also a clear need for a more dedicated form of support to improve the emotional well-being of looked-after children. I have been amazed by how far children can get into the criminal justice system before mental health needs are identified and addressed. As it stands, the Bill represents a missed opportunity to legislate for emotional well-being and mental health assessment for children entering care. I pay tribute to the noble Lord, Lord Bradley, who is not in his place today. His work and reports on mental health, particularly the liaison and diversion services which the Government are taking forward, are having a beneficial impact in this area.

Finally, I refer briefly to the proposals in Part 2 of the Bill. The noble Lord, Lord Warner, in characteristic form, clearly encapsulated the concerns about the weakness and vagueness of the Bill as it stands. In Committee, we will want to examine closely the proposals concerning the education and training of social workers and related matters around Clause 25, as well as the general professional status of social workers. The idea of a child safeguarding practice review panel has its attractions, as a response to major public concern

when a death or major abuse occurs. It should look for lessons to be learned and best practices to be promoted, not be a witchfinder general, with all the dangers set out by the noble Baroness, Lady Meacher.

We have already registered our displeasure at the framework nature of the Bill. In passing, I have one idea: the convention on Third Reading amendments could be abandoned on framework Bills. That would concentrate the Government's mind. I do not doubt the sincerity of Ministers' intentions to provide better life chances for children who come into the care of the state. There is much to commend in the Bill's intentions and direction of travel, but if Ministers have any sense they will draw on the collective wisdom of this House to ensure that it is a better Bill when we send it to the other place.

7.59 pm

Baroness Howe of Idlicote (CB): My Lords, like the noble Lord, Lord McNally, I warmly welcome the intentions behind the Bill and commend the Government for their desire to improve the life chances of young people in care. The Bill recognises that it is not sufficient to protect and care for looked-after children when they are young. If these young people are to have a stable and fulfilling future, our public authorities must help young people leaving care to navigate the transition into adulthood and independence by providing adequate support, advice and assistance as they begin adult life.

It is of great concern that so many young people who have formerly been in care are not in education, employment or training between the ages of 19 and 21. Many also find themselves homeless within the first two years of leaving care. As other noble Lords have said, research suggests that care leavers are also at risk of falling into debt and experiencing other financial challenges, such as benefit sanctions and council tax arrears. With this in mind, I strongly welcome the provisions in the Bill which will improve care leavers' access to support and advice and extend the support to young people until they reach the age of 25, thus providing them with a firmer foundation as they set out into adulthood.

I have spoken in the House on a number of occasions about the duties that we all share in safeguarding the emotional well-being of looked-after children. This is no easy task, as their entry into care is often preceded by experiences of abuse or neglect that leave a legacy of trauma and poor mental health. Recovery from these early experiences is reliant on many factors but is likely to incorporate the provision of therapeutic support. The corporate parenting principles outlined in the Bill are a welcome recognition of the important role that the state must play in supporting children who are removed from the care of their families. However, so much more still needs to be done if we are to ensure that all children, no matter the start that they have in the world, have the opportunity to grow up in a loving, stable and secure home, which is the stepping stone to a healthy and successful life.

Although the corporate parenting principles are welcome, they do not offer a sufficiently ambitious platform for change. It is not enough to remove a child from their family and hope that a new home environment will facilitate recovery. Looked-after children should never be left fighting for therapeutic support while also fighting to recover from a legacy of abuse and neglect. Often, the problem is that needs are not identified and, on those occasions when they are, the thresholds for support are so high that young people in care are rejected from treatment until they have reached a crisis point. As one young person told the NSPCC:

> "We shouldn't have to do crazy things before people know that we need support and do something".

If problems are left unidentified, it can have particularly grave consequences for children in care. The research report *Achieving Emotional Wellbeing for Looked After Children*, published by the NSPCC last year, highlighted how children are particularly vulnerable when they experience poor emotional well-being while in care. The report illustrated the way that poor mental health can lead to placement instability, which in turn leads to a further decline of emotional well-being. Given that 45% of children entering care have a diagnosable mental health condition, we know that they are a clinically susceptible population. We therefore need to improve the identification of mental health problems in the looked-after population. An early mental health assessment with a mental health professional would offer the right foundation, as it would ensure that recovery is at the heart of the care experience from the moment that a child is removed from the family home.

A mental health assessment would ensure that children and young people entering care are offered the support they need from the very beginning. However, this must be followed by a system of holistic support for looked-after children, so alongside the introduction of an assessment by a trained professional the following steps should be taken. First, there should be a strengthening of corporate parenting principles to ensure that the onus of responsibility to assess services is placed not on the young person themselves but on the local authority, to actively pursue and engage with looked-after children. Secondly, there should be priority access to services for looked-after children in recognition that they are a clinically susceptible population who often experience mental health difficulties and that poor emotional well-being can have an even greater impact on the outcomes for looked-after children, as well as the stability of their placement. Thirdly, there should also be improved training for foster carers, as recommended in the recent Education Select Committee's inquiry into the mental health of looked-after children. All too often, foster carers struggle to support the emotional needs of children in their care. It would be possible, for instance, to develop a local offer for foster carers and looked-after children which outlines the therapeutic support services available in the community.

I hope that the Government will commit to these recommendations. In recent years, we have begun to acknowledge the poor outcomes that face children in care. However, we still have some way to go and, without appropriate therapeutic support, we will continue to fail some of the most vulnerable children in our nation. We all have a duty to keep children safe from harm but also a duty to support the emotional well-being of children in care. We know that the right support at the right time can make a huge difference to these young lives. I hope that the Government will hear the many calls made here today by colleagues.

[Baroness Howe of Idlicote]

When we consider improving children's life chances we must also pay attention to the needs of other vulnerable children being cared for by our local authorities, so I turn briefly to the care provided to trafficked and unaccompanied asylum-seeking children who are not in the care of their parents. It is well known that trafficked and asylum-seeking children are at great risk of exploitation and of retrafficking, even after they are brought into local authority care. After investigations by BBC Radio 5 Live and BuzzFeed News, in April they reported a shocking 75% increase in the number of unaccompanied asylum-seeking children who went missing from local authority care in 2015, compared with the previous year. Key to protecting these children is ensuring that they are provided with accommodation that is safe and where they can be adequately supervised and cared for. Can the Minister tell the House what the Government are doing in conjunction with local authorities to increase the amount of supervised accommodation available for children at risk of retrafficking? In particular, what consideration have the Government given to requiring local authorities to place all children who they suspect may be victims of trafficking into safe foster care?

Once again, I welcome the Bill and support the Government's intention to improve levels of support and care for some of our most vulnerable children. I very much encourage the Minister to consider where the Bill might be strengthened as it goes through the debates in your Lordships' House.

8.10 pm

Baroness Stedman-Scott (Con): My Lords, I draw attention to and declare my interests as laid out in the Members' register of interests. Along with other noble Lords, I welcome the Bill and the steps that the Government are putting in place to improve the life chances of children in care and care leavers, an aim which all our hearts should beat in concert to achieve. It is tragic when any young person is taken into care, and this Bill should enable us to redouble our efforts to give those young people an opportunity to have a second chance to have stability in their life and, most importantly, to succeed.

The human cost of not doing this is vast. If I understand it correctly, 11% of all homeless people have been in care. Of those who end up in adult prison, 25% have been in care. I really hope I have got this figure wrong, but 70% of those involved in the sex industry have been in care. Of teenagers who become pregnant, 22% have been in care. In addition, 39% of those in care end up being NEET. These are hardly the outcomes we want for these young people, and I do not think any one of us would want to tolerate such bad performance.

My contribution to this debate is based around the commitment to offer all young people in care and care leavers a personal adviser from the age of 18 to 25—an extension to the existing commitment to the age of 21. However, I have said this many times and will say it again: this is too late. My experience, and the experience of others, is that where this support service can be brought forward to the age of 14, the outcomes achieved are beyond question.

The other point is that we are going to offer this to them if they want it. Young people have their moments. Sometimes their judgment is not quite what we would like it to be, and no matter how much we sing to them, they do not take our advice. I do not agree that they should get this support only if they want it, and fully agree with the noble Baroness, Lady Hughes, that we need to encourage them all to take up the offer. Reflecting on the stats I quoted earlier, I hope we have it in our power, capacity and commitment to these young people to make sure that they do. I have seen for myself the difference that this support can make. If we could get it to them earlier, we could prevent so much of what we have talked about this evening. Early intervention is best.

The Bill is set to encourage new ways of working, delivery and true innovation, and I hope that local authorities will look at the complete set of offerings before deciding how best this can be achieved. What would the personal adviser ideally be? They would not just ring the young person up now and then and see how things were going. They would not just write now and then but would be in face-to-face contact—weekly would be the real offering. As for funding, I am not quite sure how we are going to pay for this; I live in hope that there will be some additional funds to do this. The whole sector would work with the Government, because this is ripe for social investment and for a social impact bond. I am looking forward to the launch of the life chances fund on 4 July, because it will take away all the protests about how we cannot do this or cannot do it properly—I think we can. My noble friend Lady Shephard referred to ThinkForward; Tomorrow's People was fundamentally involved in its delivery. All young people aged 14 who need it—not just those who want it—should have a personal adviser.

I will share some good statistics with your Lordships: 96% of 17 and 18 year-olds are currently in education, training or employment; 60% of school leavers achieved at least 5 GCSEs at grades A to C; and 85% of 14 to 16 year-olds have shown statistically significant improvement in attendance at school and in behaviour—the very fact that they have turned up has made people's hearts sing.

I have tried to find stats for the effectiveness of the current personal adviser role. I do not wish to make negative judgments about things I do not have the facts on, but the only thing I could find out was that 25% of care leavers have lost contact with their adviser by the time they reach 21. We need some benchmarks for what our personal advisers will do. If we get this offer in the Bill right, it will make significant changes to the life chances of our young people, who are precious to us and who deserve the very best we can give them.

8.16 pm

Baroness Pitkeathley (Lab): My Lords, when I first read Part 2 of the Bill, to which I shall confine my remarks, my first reaction was, "You couldn't make this up". There are many good things in this Bill, as others have said, but on Part 2 I really have to say to the Government, "You cannot be serious".

I must declare my interests, as I have a very personal involvement in this subject. It goes beyond being a social worker, with a great deal of interest, therefore, in how social workers are supported and recognised; I have form in the area of regulation of social work. In the late 1990s, I chaired the commission that recommended the setting up of the General Social Care Council, the GSCC. This had been wanted and called for by the social work profession and allied colleagues for many years, and the Government accepted the recommendation of my committee wholeheartedly. There was a great deal of rejoicing across my profession. In 2001, I served for six months as the interim first chair of the GSCC. By 2012, I was chair of the Professional Standards Authority, which reviewed the functioning of the GSCC, which was found wanting; subsequently, as chair of the PSA, I oversaw the transfer of regulatory responsibilities to the Health and Care Professions Council. I also helped to launch the College of Social Work, which was designated as the body that would oversee the professional functions, leaving the regulatory functions with HCPC. Noble Lords will see that I do not have a very good track record in this regard. The HCPC is now assessed by everybody who knows this field as doing an excellent job, and doing it most efficiently and cost effectively. So while I bow to no one in my desire to see the profession of social work properly recognised and supported, I have to ask the Minister why he is doing this, and what he expects to gain from it.

I have three main objections to the new regulator, and if the Minister can set my mind at rest about them, I shall be delighted and relieved. My first concern is one that was highlighted by the noble Lord, Lord Warner, about the conflict between different government departments. The primary purpose of a regulator is public protection. Does the Minister agree with that? There is no reference in the Bill to the public protection purpose of statutory regulation. The health and social care Act of 2015 introduced consistent public protection objectives across the nine independent regulators of health and care professionals, overseen by the aforesaid Professional Standards Authority. In that authority's paper, *Rethinking Regulation*, which followed on the work of the Law Commission, which reviewed the existing regulatory framework, radical reform proposals had been made, which included reducing the number and cost of regulators. The Government have expressed support for those ideas and the Department of Health will shortly consult on reforms to professional regulation along those lines. The proposals from the Department for Education in this Bill therefore run entirely contrary to the principles of better regulation and to the approach of the Department of Health to the reform of regulation of health and care.

The regulatory landscape is incoherent and confusing, with a proliferation of regulatory organisations created piecemeal at different times, for different reasons, and in response to different problems. The regulatory proposals in this Bill perpetuate this error. Surely, the Government should have taken what the PSA calls a "right touch approach", by clearly identifying the problem to be addressed and considering how the problem could best be resolved by making better use of, or reforming, the current arrangements. This could include ensuring that social work falls within the remit of the proposed reform of health and care professional regulation. I also have concerns that the Government have not thought properly about the scope and remit of the proposed new social work body within the wider context of health and care regulation.

I repeat: the primary purpose of a regulator is public protection. That is quite distinct from quality improvement functions, which are commonly carried out by a professional body or college, whose primary functions are to improve education, training and continuing professional development. It is also different from the representative role fulfilled by a membership organisation, such as the British Association of Social Workers, whose primary role is to represent the interests and views of its members and provide advice and support to them. A new body of the kind proposed, combining representative, improvement and regulatory roles, will create an organisation with competing, confused and conflicting responsibilities. The GSCC, previously responsible for regulating social workers, was itself criticised for having an unclear remit covering both regulatory and improvement functions—and that was wound up by the last Government, as I have already said.

Ahead of the transfer of regulation of social workers to the HCPC, the Government commented that they saw potentially significant benefits from,

"putting the regulation of social workers on a similar footing to the regulation of health professions".

At a time when the need for a closer relationship between the health and social care services remains a very live issue—and how many times in this House do we talk about the need for closer co-operation?—this seems a very unwise thing to do. There is no evidence at all that the HCPC is not doing an effective and efficient job of regulating, so why confuse the situation?

My second concern is about the independence of the new regulatory body—or, I should say, the lack of independence. There is well-established principle in statutory professional regulation that regulation should be independent of government but with direct accountability to Parliament. The Bill proposes a potentially different model, giving broad powers that would allow the Secretary of State or another person—it is not clear who, or in what circumstances—to exercise regulatory powers, or a new regulator to be established.

There is no reference in the Bill to oversight of any new regulator by the Professional Standards Authority. The HCPC is currently overseen by the PSA. The PSA fulfils its role by scrutinising the fitness-to-practise decisions of the regulators and referring cases to the High Court where it considers that a decision may have failed to protect the public. Again, we come back to the essential importance of protecting the public. While the idea of a separate regulator for social work may seem attractive, it should not be brought about by the loss of the independence which the current system—overseen, I remind your Lordships, by the Privy Council—provides. There should also be a role for a voice for professional social work. I remind the right reverend Prelate that the College of Social Work was set up and abolished by the Government, although it was making good progress until the withdrawal of government funding led to its closure.

[Baroness Pitkeathley]

My final concern is about cost. The up-front cost of setting up such a body will have to be borne by government, unless it is going to be borne by social workers. Each year, social workers pay £90 to remain on the HCPC's register. Therefore, the proposed policy will entail either a significant increase in fees for social workers or substantial ongoing costs to the taxpayer if it cannot operate on those fees. The annual report for 2010-11 highlights that the GSCC's expenditure on regulatory activities for 2009-10 was just under £19 million. Roughly £2.5 million of that was funded by social worker registration fees and the rest—around £16 million—was funded by government. According to a recent Written Answer from the Department of Health, the closure of the GSCC in 2012 and the transfer of its regulatory responsibilities cost £17.9 million but has led to an annual saving to the Government of £13.5 million. Have the Government done a thorough review of the cost of their proposals? At the time of the GSCC's abolition, the Government estimated that the increase in fees paid by social workers would have to be at least £235 a year if it were to be self-financing. I cannot believe that the Government want badly paid social workers to pay this, so we must ask where the money is coming from and whether it is a proper use of public money when social work services and training are under severe strain. I would like the Minister to answer very specifically on cost review and how it will be funded. I do not question the Government's intention to try to be supportive of social workers, but I have to ask: is this the way to do it?

I hope the Government will listen to the wise words of your Lordships' House.

8.26 pm

Baroness Howarth of Breckland (CB): My Lords, at this point, there is only one person I feel more sorry for than myself, and that is the noble Lord, Lord O'Shaughnessy, because, like mine, his carefully crafted speech is in shreds as everyone else has made the points. I will say one or two things that are different from those I have on my bit of paper, so if I am not as coherent as I usually am, that is why.

I want to make some points because this is an important Bill—but possibly not because of the way it appears on the surface. I think its value is under its skin. It is because the three things it represents—social workers, the regulation of the social work profession and social work itself and the people who are being helped, particularly children in care—are interrelated. A little earlier, the noble Baroness, Lady Young of Hornsey, asked why the number of children in care was going up. I can indicate why it is going up: it is because good preventive work keeps children out of care. If you are working with families, you can maintain many of them in communities. I say this because I have been a social worker for about 50 years—I am not really that old, but I trained in 1963—and I still maintain work with various groups, so I have a hand on what is happening in social work now. I know how crucial it is that we take a really good overview.

That is why I said at the briefing that in some ways this important Bill lacks vision. The vision it could have had was for all children in difficulties. There are children in chaotic families—the troubled families programme touches only some of them—and children living in anxiety-provoking debt or experiencing a culture of violence. We know that there are some very good social work programmes that work, and that we have some tools to help families—but the one way to get service is to get into care or to have even more difficulties. That is because we have abandoned very good preventive service.

We have heard a lot about the closure of centres that have made a huge difference in the past, so I want to start there rather than where I had intended to start. Most of the valuable work that we undertake starts too late, even when children come into care. We do not have a vision of continuity when a child is in difficulties at home and may have to come into care.

My other point is that thousands of children every year go in and out of care again and again. That is when we need really good rehabilitative work in the home with those children who return home but need the services building around them. Time and again I see children returned, and that is it—until they have a crisis and they are back in care. Then they get a bit more social work, but their family situation remains chaotic. At the end of the day, it really is a matter of chance as to whether you are in care at 18 or 19 so that all the services that are on offer for children leaving care kick in. You might be unlucky and not be in care at that moment, at which point you are on your family's resources and you just do not get any of these additional benefits.

The Minister knows I recognise that the Government's strategy of giving care leavers more time in foster homes, known as Staying Put, has worked well in councils that have embraced it. Leeds was mentioned earlier today as an exceptional council, although I am a little worried that we do not have more than one or two of those. At the moment the All-Party Parliamentary Group for Children is looking at the state of social care, but we have found only a handful of really good local authorities that are embracing a different way of working.

I do know that Leeds may well find it very difficult to sustain the policy. It receives £200,000-plus in income but it is paying out over £1 million. The council thinks that the programme works, and the children who are on the Staying Put programme are doing well. The programme deals with some very difficult youngsters. I met some of them recently and they talked about their experiences and their behaviour and how their foster parents had seen them through and they were now in employment or education. We really have to try to make that work because the savings are in other departments. My noble friend Lord McNally talked about the juvenile justice system, but these children are not even getting into that system because they have a family to give them sustenance.

I want to say one sentence about young people whose immigration status stops everything at 18, even if they are in a foster home. Some children arrive here without proper legal status. Their schools never find that out—it is a mystery to me why it does not come up during the education process—and it is only when they are going to go to college that they find that they cannot go until they have fought removal from this

country. That is something on which we will bring forward amendments, and I wanted to mention it to the Minister because we need to return to it. Often these are children who have been brought up in this country: again, the Children's Society has introduced me to some of them.

We have heard a great deal today about the Children's Society looking at the impact on young people of financial planning and the need for them to have a really good education in how to manage their money. Moving into permanent accommodation, struggling with apprenticeships that do not pay enough and being unable to meet their council tax leaves them destitute. If you talk to homeless groups, you will find that many young people who have become homeless have done so because they have not had the sustained help that I hope the new programme will develop. Cheshire expects that a policy of not imposing council tax until young people reach 25 will result in a decrease in emergency payments made to care leavers in crisis, as well as reducing the dependency of these young people on other services.

While we are talking about financial issues, I know that this issue was raised by the noble Baroness, Lady Hughes, but I cannot believe that while we have spent a great deal of time enabling many other young people not to be on benefits, we actually train our young care leavers to claim benefits in order to pay for their costs. That is a very easy programme to rectify between departments.

I turn to what I think a corporate parent should be doing and who a corporate parent should be. Having been a director of social services, I took my local authority responsibility as a corporate parent extremely seriously—and, as the noble and learned Lord, Lord Mackay, said, the local authority is the corporate parent. But it has a lot of corporate parent partners, many of which are in the local authority; again, Leeds has pulled that together. But, like many other speakers this afternoon, I want to see central government and other departments taken on board. I wonder whether the care leaver covenant will do this. Can the Minister say whether it will extend to all these other departments? After all, it is interesting that Alan Wood, in his report on the role of LSCBs, which I do not have time to address here this afternoon, points out that,

"national government departments do not do enough to model effective partnership working between themselves".

The noble Lord, Lord Bichard, made that point.

I will say something briefly about the local offer: again, I find this a very strange phrase. Can the Minister tell me whether there has been any assessment of the local offers made under the previous legislation that we saw through this House, and whether a local offer programme ensures that young people get the services and that they are not just on a list? Have we any assessment of what happened under the previous legislation?

Like everyone else, I welcome personal advisers. Again, many of the issues I have just raised would be dealt with if we had personal advisers, but they have to be consistent people. As the noble Baroness, Lady Stedman-Scott, said, it is no use having someone who happens to pop into your life now and again—they need to be a mentor who understands your life and who will stand by you. But it could be a number of different people, and I do not see why a foster parent who has done very well by a child should not remain the mentor if the young person wants that. It is extremely important to take the young person's view into consideration—but not altogether. Sometimes what they want might not be in their best interests, and we will still have to take the parental role.

I am interested to know whether we will get the regulations on the training and standards of advisers and the baseline before we get through the Bill.

I will say very briefly that I welcome the high ambition for social work. I will not talk about regulation, because the noble Baroness, Lady Pitkeathley, has done it far better than I could, but I will say just one thing. Nicky Morgan wants to see an extra 755 qualified social workers coming from fast-track programmes in the next year alone and has promised £100 million to the Frontline and Step Up training programmes. I subscribe to her vision of a confident social work profession, constantly pushing boundaries and redefining what works by rigorous and evidence-based practice. The only problem is, will the local authorities have the resources or framework to employ them, and do the Government see the resource issue as a real one or think that we can squeeze out still more from local authorities that are trying to provide these services?

I commend my noble friend Lady Meacher for what she said about inquiries. I have been subject to three child abuse inquiries in my life; they have left scars. Can the Minister ensure that these inquiries do not turn out to be simply fodder for the media but that we will learn lessons, and that all the lessons from previous inquiries, as well as these, are properly integrated into social work practice?

8.38 pm

Lord O'Shaughnessy (Con): My Lords, I am grateful for the opportunity to speak—eventually—in this debate, and I do so and engage with the Bill in a spirit of great humility. There is much I do not know about this subject. It is said that a little knowledge is a dangerous thing, but I hope that I am a little less dangerous having had the opportunity to benefit from your Lordships' wisdom this afternoon—which is at least one upside of speaking last. Before I continue, I draw noble Lords' attention to my register of interests: my involvement in a multi-academy trust as chair of two governing bodies of primary schools, and various other education interests. The education elements of the Bill are what interest and concern me and are the areas where I hope I will be able to contribute.

Like other noble Lords, I welcome the clear and unambiguous ambitions for educational achievement that have been set out by the Government—everyone from the Prime Minister downwards—for looked-after children and for this new category of previously looked-after children. This latter group has perhaps been too often overlooked, yet its outcomes are nearly as bad as those for looked-after children. It is extremely welcome that the focus has widened. Now that the Government have widened the net and raised the bar, if you will forgive the mixed metaphor, it is important that we

[LORD O'SHAUGHNESSY]
understand the scale of the challenge, particularly as regards educational achievement. There are around 70,000 looked-after children in the school system at the moment, and perhaps 80,000 previously looked-after children—so 150,000 in total. For an average secondary school, that might mean around 20 pupils, or four pupils for an average primary school. It is not a huge proportion—perhaps 2% of the pupil population—but it is significant.

Helping such children to achieve what they should achieve is not a bolt-on; it needs a concerted effort by everyone at school level. The underperformance of these children is truly shocking. At key stage 2, just 52% of looked-after children achieve level 4 in reading, writing and maths, compared to 80% for other children. Girls who are looked after do significantly better than boys; the gap is closing at primary level, but it is still far too large.

The picture at key stage 4 is even less encouraging, something the noble Lord, Lord Bichard, raised. Outcomes for looked-after children have plateaued: only 14% get five good GCSEs including English and Maths. I think the figure is 53% for other children. There are fewer data for previously looked-after children, but DfE officials seem to suggest that the gap is about 30% at GCSE; that is better than looked-after children, but only just.

The reason for talking about these data is obviously to exemplify the problem, as other noble Lords have done in a variety of ways in terms of outcomes. I also want to show that schools—as I said, I am deeply involved—need much more information about how we can close the education gap, because, in truth, it is not happening fast enough. This Bill, and all the other bits of government policy around it, must address this problem. If we are aiming to close the gap, as of course we must, and if schools are to fulfil their moral, and, increasingly, legal, obligations, we need much better research to rely on about what works. We do not yet have that knowledge base, and this is one of the areas on which I would like the Government to focus.

I turn now to the key sections in the Bill. On Clause 1 on corporate parenting, I support the proposals in general. From listening to noble Lords, I get the sense that they are clear and well-intentioned proposals, even if, perhaps, not perfect. It strikes me that being a corporate parent is an awesome responsibility. I have huge admiration for those who do it, including the noble Baronesses, Lady Pinnock and Lady Howarth, and, of course, thousands of people around the country. It is clearly incumbent on us as lawmakers to make sure that there is total clarity for them, so that they can act in accordance with the spirit as well as the letter of those principles.

Given the Government's focus on educational achievement, it seems odd to me that education is not explicitly mentioned in the fifth principle, which talks about outcomes. Health is mentioned in the first principle, but education is not mentioned, which is something that could be corrected simply. The final principle deals with preparing young people for adulthood and independence; the noble Baroness, Lady Massey, has talked about the importance to that aim of developing mental health and character strengths. This should also be reflected in the principles, or, if not in the principles, perhaps in the care leavers' covenant, which has been discussed. We look forward to seeing the details.

Clause 4 deals with the educational achievement of this new category of previously looked-after children. That is, of course, welcome. There is at the moment, within the statutory framework in which schools operate, a group called children who have ceased to be looked after. They are mentioned, for example, in the pupil premium and in the admissions code. I would like clarification from the Minister that this new category of previously looked-after children is the same as the ceased to be looked-after category. We made important advances in the support they got in 2014, for which the Government should be congratulated. We want to make sure, in the transition from one category to another, one piece of jargon to another, that children are not falling through the gaps. I would be grateful for that clarification.

Clause 4 says that local authorities,

"may do anything else that they consider appropriate with a view to promoting the educational achievement of relevant children educated in their area".

That comes in the new section to be inserted in the Children Act 1989 under the heading:

"Educational achievement of previously looked after children".

On the surface, that sounds fantastic, although it seems to relate specifically to advice and information. I would be grateful for clarification of its purpose, because it seems to me that, without a qualifying statement that the needs and outcomes of other children will be taken into account, it could be counterproductive. For example, it might mean that a focus on previously looked-after children, as opposed to children with special educational needs or other vulnerable groups, is justified. I suspect that it is just an infelicity in the drafting that can be easily corrected.

I am most concerned with Clauses 5, 6 and 7, which relate to the new responsibilities for schools. It is essential that schools play their part in closing the performance gap and helping these children, and I welcome the intention of putting all schools on the same footing—that is incredibly important. It is an achievement of the most recent Education Act that maintained and academy schools have similar responsibilities. Of course, maintained schools and many academies already have a staff member designated to look out for looked-after children, and I believe it is the intention of these clauses to extend those responsibilities to the new category of previously looked-after children. As I said, there are similar numbers of looked-after and previously looked-after children, so the effect of this provision will be to double the responsibility or workload for the designated teacher.

That brings me to the impact assessment. It assumes a £50,000 cost per local authority to support virtual school heads, but in parallel there is this designated teacher responsibility. Apparently local authorities—I look to colleagues who are involved in local authorities—will be making various savings, which will mean that they do not need any more money from government to help to deal with their responsibilities, although I am sure that they will have their own view on that. However,

it is not even mentioned that a teacher in every school will have their workload around looked-after children doubled. What support will they have to make sure that they fulfil their responsibilities and that these children really get the support they need? My fear is that, unless we have knowledge of what works, this could become a tick-box exercise—another thing that the governing body goes through, with people sitting through training and filling in a form—and the outcomes will not really change.

The Minister pointed out that the Bill is only part of a wider strategy. It strikes me as essential at this point to prepare schools for the responsibilities that are coming their way. It is also essential that we have a much better idea of what education interventions work in order to promote achievement among this group. If it has not already done so, will the Department for Education commission the Education Endowment Foundation and the Early Intervention Foundation—two of the What Works centres—to carry out a review of the evidence so that, alongside these new duties, schools are able to fulfil their responsibilities? That applies not only to schools. The noble Baroness, Lady Hughes, the noble Lord, Lord Bichard, and my noble friend Lady Shephard all pointed out that these responsibilities should properly be extended to FE and HE—something that I support.

My final point on the Bill concerns the power to innovate, which seems to have had a bit of a kicking in the last few hours. I encourage the Government to be bold here. My noble friend Lord Lucas proposed an amendment to the Housing and Planning Bill—which was accepted—to provide an unusual opportunity to do something more powerful to produce better outcomes. Of course, I recognise that building houses is one thing and that the outcomes for very vulnerable children is quite another, but surely it is right that as legislators we do not expect to fulfil all moral obligations towards these children and that we encourage innovation in the system. I am sure that that can be designed in such a way as to provide safeguards without dampening the desire to innovate.

Finally, I look forward to working with all noble Lords and Ministers to ensure that the Government's laudable ambitions for these children are fulfilled. It is critical that schools, teachers and governors play a role in this. They need the training and knowledge that will enable them to close the gap and ensure that these children are able to truly flourish.

8.49 pm

Lord Storey (LD): My Lords, children and young people do not choose to be in care, and we as a society have a moral responsibility to do whatever it takes to provide the support that a child or young person needs. There is much to welcome in this Bill. It is another step on that journey to ensuring that we are doing everything possible to support children in care.

I welcomed the comments from the Minister, Edward Timpson, at last week's briefing when he spoke of his Government's desire to listen and respond, and the subsequent letter on 14 June from him and the noble Lord, Lord Nash, clarifying the points raised at that briefing meeting. I am therefore a little disappointed that, given that the aim is to use this opportunity to get it right, we finish tomorrow and then, I am told, the first day of Committee will be on the Monday that we return. That might be all right for London-based Members, but for others it does not afford the time needed for briefings and talking, et cetera.

The Bill is not about political point-scoring or some deep political dogma but about recognition that we can and must do everything possible to ensure that support, care and attention is provided. Care is a vital part of child protection. Most young people in care say that they have a very good experiences of care. Let us start by recognising that the majority of children in care are happy, have a loving and caring childhood, and are fulfilled in all that they do.

I remember that there was a children's home nearby the school where I was head teacher. Two girls from there, Teressa and Claire, came to my school. You could not imagine two nicer girls; they were looked after and cared for. Teressa went on a trip to Lourdes and brought back for me a plastic Virgin Mary with a screw-top halo and holy water inside—I still have it. If the Minister gets the Bill right, perhaps I will present him with the holy water via Teressa.

We must recognise the commitment that local authorities give and praise the thousands of foster parents who give so much in creating a loving environment in which children and young people can thrive and develop. The linchpin, of course, is social workers; hence, the Children and Social Work Bill. Social workers do an amazing job, day in and day out, and have to experience some of the most appalling situations in achieving some of their greatest successes. However, without their dedication and commitment, we would be in a much poorer state. When, very occasionally—and it is occasionally—something goes horribly wrong, there is an immediate outcry and the blame culture sweeps all before it. Yes, we need highly trained and qualified social workers, but we need to support them and not demonise them in their role, or even potentially criminalise them.

Part 2 of the Bill, dealing with social worker regulations, is about enhancing their status. That is fine, but I am not convinced that removing functions from one body and establishing them in another is the best way of achieving this. Governments of all political persuasion seem obsessed with creating new bodies for new policy direction. As the British Association of Social Workers said in its briefing, social work professionals need to be,

"recognised in the development of any new regulatory arrangement—in setting standards and ethics, in providing post-qualifying development frameworks and leading the way on the profession owning its own standards and commitment to highest quality".

Personal advisers have been and will be an essential support for children and young people in care. I welcome the intention to extend the entitlement to personal advisers to all care leavers up to the age of 25. Even with the important role they fulfil, they are not required to have any specific training. A quick trawl through local authority job adverts for personal advisers highlights that as a problem. Hounslow Council says that no essential qualifications are needed. Medway Council requires a full NVQ level 3 in health and social care

[LORD STOREY]
and experience working with children and young people. Barnet Council says that no qualifications are required but that there should be experience in pathway plans. Torbay asks for relevant professional social work qualifications and a professional commitment to obtaining an NVQ in childcare and a current certificate of registration from the General Social Care Council. Greenwich Council requires no qualifications but applicants must have knowledge of local and national legal procedures and their relevance to childcare. I could go on. So no national or informal standards are required for personal advisers. I ask the Minister to consider creating a standard for professional advisers given that they are a key part of social care support.

On training and support, I mentioned the incredible job that foster parents do. But once again the induction arrangements, training and continuous training support received are very variable. Given their unique role, should we not be clear about what it is and what should be available and provided for them? I was very much taken with the point made by the noble Baroness, Lady Hughes, about foster parents becoming personal advisers. We should explore that, but also, as we have heard, young people must have a say. I discovered a new phrase when reading the Minister's letter on personal advisers. Officials are currently taking a series of "deep-dive visits". That sounds very painful, but I hope they will take us a step further.

My noble friend Lady Tyler highlighted the need for the importance of mental health screening. The headline statistics are a cause for concern. Almost two-thirds of children in care have experienced abuse and neglect and looked-after children are four times more likely to experience a diagnosable mental health condition. Let us not dance around this one. The mental health resources for children in care must be provided when needed. The Minister will no doubt tell us from the civil servants' brief that extra resources are provided—the extra resources that Government have and will put into mental health. But my experience is that child and adolescent mental health services have suffered brutally from local authority savings and as a consequence are not proactive. The Education Select Committee report says that the current paper-based method of assessing a child's mental health during their time in care is insufficient. We are talking about the most vulnerable children who have experienced abuse and neglect. Paper-based? Come on; we can do better than that.

The Bill gives the opportunity to some local authorities to innovate and pilot new ways of working. I am always in favour of innovation, but to innovate we also need resources. I actually consider the most important innovation in the last 20 years was Sure Start centres, yet we have heard how 800 of them have been forced to close. Innovation gives the opportunity to move out of a straitjacket approach, but we have to be absolutely sure that there are no unintended consequences, particularly in eroding the rights of the child. We need, and I am sure that the Minister would want, to place clarity around this proposal, and a commitment from the Government that safeguards will be put in place to prevent further unacceptable variations in care for looked-after children.

My noble friend Lady Hamwee is unable to be at Second Reading. As a member of the Joint Committee on Human Rights she is concerned about Clauses 15 to 19, which potentially threaten children's social care rights. The legal adviser to Article 39, a human rights charity that promotes and protects the rights of children living in state and privately-run institutions, and takes its name from that part of the UN Convention on the Rights of the Child, has major concerns about the rights of the child. Perhaps in his reply the Minister could give assurances that these issues will be listened to and considered.

I am struck that since the publication of the Bill there has been universal support in favour of its laudable aims, but there are concerns about the delegation to Ministers. The Bill does not talk about funding; instead it talks about extra responsibilities. I seek reassurance from the Minister that arrangements such as the pupil premium will remain at their current levels and that the criteria are not changed in any way. There have also been suggestions to move pupil funding to the virtual school head for distribution rather than to schools themselves. Perhaps the Minister can provide some clarity on this matter.

Over the years we have all been shocked and sickened—that gut-wrenching feeling—when we have heard of cases of child abuse. We have seen how some sink to the lowest imaginable levels of depravity, but thank God we live in a society which can and will do all it can to protect children. I conclude by thanking the Government for bringing this Bill forward and, I hope, for being prepared to listen. The many important points that have been made by your Lordships are worthy of the Minister's attention. We will do whatever it takes to make sure that our own children are safeguarded, that they have the best chances in life and that they are able to reach and develop their own potential. Never mind our own children, those chances should also be available for children in care.

9 pm

Lord Hunt of Kings Heath (Lab): My Lords, this has been an excellent debate. The broad thrust of the Bill, in particular Part 1, has been welcomed by noble Lords. It is a sobering thought that the reason the Bill is needed is the continuing evidence about the poor life outcomes for so many looked-after children, although I think that we should recognise the strength of what the noble Earl, Lord Listowel, said when he described some of the progress that has been made in recent years. The noble Baroness, Lady Howarth, emphasised the positive outcome of preventive work if it is allowed to flourish. I see Part 1 as building on that progress and I am wholly supportive of it.

However, we are very much less supportive of the measures in Part 2 concerning the regulation of social workers. Of course no one should be complacent about the state of social work in this country, but whether the profession needs a complete upheaval in its regulated arrangements just four years after the previous one must be open to question. Moreover, those doubts are added to by the unsatisfactory nature of the skeletal provisions in Clauses 20 to 40. My noble friend Lady Pitkeathley asked the Minister whether

he is really serious about taking this part of the Bill forward. I think that it is a substantive question that the Government will need to answer.

On corporate parenting, it is clear that the provisions are warmly welcomed, but the question is whether they should be extended. I take very much the point made by the noble and learned Lord, Lord Mackay, about the distinction between the role of the local authority as the corporate parent and the roles of other agencies like health and central Government. It is clearly an important one. My noble friend Lady Hughes and the noble Baronesses, Lady Tyler and Lady Walmsley, talked succinctly about the impact on mental health outcomes of children in care, while the noble Lord, Lord McNally, referred to the need for full mental health assessments. How can we find some way of incorporating those wider responsibilities, and indeed the responsibilities of central government, within the Bill without undermining the clear accountability of the local authority as the corporate parent? I look forward to our discussions in Committee on this matter.

Other points were raised about the first part of Part 1. My noble friend Lady Massey and the noble Lord, Lord Farmer, asked about kinship care, while my noble friend Lord Wills asked about whistleblowing protection in relation to local government. My noble friend Lord Judd mentioned the issue of communication in relation to language difficulties to which I hope the noble Lord will be able to respond.

Clauses 4 to 8 are very important in relation to increasing the duties of local authorities to previously looked-after children. The question again is this: can the Government go further? My noble friend Lady Hughes asked in particular about the role of the virtual school head teacher and whether that can be extended to colleges. Again, I hope the Government will consider that. I also ask him about the local offer for care leavers. Does he consider that there should be some elements in statute to ensure that local offers do not vary in quality across the country? Picking up on the intervention from the noble Lord, Lord Storey, will the Minister clarify what qualifications and capabilities will be required for the new personal advisers? I also echo the plea from the noble Baroness, Lady Stedman-Scott, for benchmarking figures so we can judge progress.

We now have government amendments on the child safeguarding review panels. We will consider those carefully, but will the Minister respond to my noble friend Lady Dean on the report of the Constitution Committee about submission of material subject to legal or medical privilege?

My noble friend Lord Watson has already spoken about our concerns with Clause 15 and on some of the risks of outsourcing. We also have a real worry that the introduction of a power to become exempt from statutory duties could be seen by local authorities as an opportunity to drop certain provisions at a time of great financial pressure. Can the Minister put my mind to rest?

We now come to Part 2. Like my noble friend Lady Massey, I admire social workers. Over the past 30 years they have been misunderstood, vilified and too often subject to a blame culture. This is not to defend poor practice—there have been far too many inquiries into far too many tragedies to do this—but it is a profession that needs support and encouragement. I like the statements that the Secretary of State for Education has made. The noble Baroness, Lady Howarth, referred to one of them. I looked at her statement from January 2016, when she said she wants to set up plans,

"to transform children's social work so that social workers get it right for vulnerable children and families".

I completely agree with that aim. But my problem is she went on to say that she wants to set up a new body, created in conjunction with the Department of Health,

"charged with driving up standards in social work and raising the status of social workers".

There has to be a serious question about the Government's approach. We have seen a most extraordinary reversal of policy in a matter of six years. We had a stand-alone body: the General Social Care Council. I took legislation through to set it up, a long time ago in 2000. By the way, we set it up in primary legislation, with very few regulatory powers involved. It had a difficult start, but under its last leadership it had begun to make progress. But the Government decided to abolish it. In our debates on the abolition of the GSCC the Government defended that decision on the grounds that the arm's-length body review that they had established found that the General Social Care Council, as an executive, non-departmental public body, was anomalous as it was the only professional regulator answerable directly to the Secretary of State for Health. So the GSCC was abolished and its function was transferred to the Health Professions Council, which was deemed to be satisfactorily at an arm's-length distance from the Secretary of State for Health.

Four years on from the establishment of the HCPC as the social worker regulatory body—you could not make it up—we will now have a new body where there is no arm's length at all: the Secretary of State will have his arm right up the back of this body, because he can be that body himself. Clause 21 makes it clear: the Secretary of State may appoint herself as the regulator. Even if the Secretary of State decides not to do that, through the power given in Clause 21 she can tell the regulator exactly what to do.

I had reservations about the HCPC taking over this role, but I have to admit it has done it very well indeed. In fact, as my noble friend Lady Pitkeathley said, it has done an outstanding job. Why is this being done? I know from listening to Ministers that they continually focus on the professional development and leadership of the profession. I get that. I agree with it. But that is not the role of regulation, which, as my noble friend said, is about public protection.

There is the issue of running costs: who is going to pay the huge extra cost this will bring? Is it going to be the Government or social workers? And what will happen to adult social care workers? There has been no discussion whatever, but they form a really important part of the workforce. We are stressing the necessary integration between health and social care. What on earth is the point of taking social workers out of an integrated health and social care regulator? I just do not understand it.

We have the very helpful comments of the House of Lords Constitution Committee, to which my noble friend Lady Dean and the noble Lord, Lord Lang, its

[LORD HUNT OF KINGS HEATH]
chairman, have referred. Clearly the Bill is not going to get through your Lordships' House with its current provisions, judging by the mood of the House. I have a suggestion to make to the noble Lord: why not withdraw Clauses 20 and 21, leave regulation with the Health and Care Professions Council, await the consultation on regulation being conducted at the moment by his honourable friend Mr Ben Gummer, and establish a royal college of social work, as suggested by the right reverend Prelate, which can concentrate on the issues that obviously concern Ministers, which are professional development and leadership? All he has to do is take away Clauses 20 and 21 and he can get on with the establishment of a college of social work.

The Minister's intention today to publish indicative draft clauses before Committee stage is very welcome indeed. I assume it will cover all regulations that are contained in the Bill. I would also like to ask him about the issue of timing. The noble Lord, Lord Ramsbotham, and other noble Lords have expressed the concern that we go into recess tomorrow and on the first day we come back we are into Grand Committee. I understand that this has been negotiated through the usual channels but, on reflection and listening to the debate, I have some concerns about noble Lords' ability to prepare properly before we come back. It is also quite likely that, when we come back, there will be an extensive government Statement on the outcome of the referendum, for which I suspect all noble Lords will wish to be present. I doubt that they would want to start Grand Committee at 3.30 pm. We on these Benches would be very happy to have further discussions about the timing of this if it would be helpful—although I recognise that there was agreement about it in the usual channels and I am not going to criticise the Minister at all for the way it has been scheduled.

Overall, there is much to commend in the Bill. We look forward to Committee stage for a constructive debate. Equally, I hope the Government will be able to reflect on many of the substantive points made.

9.13 pm

Lord Nash: My Lords, I very much welcome all the contributions that were made to the Second Reading debate today. I am heartened that there is a great deal of consensus on our ambition to improve the lives of vulnerable children and those leaving care and on the improvements we hope to make to the quality of children's services throughout the Bill. All the contributions to the debate have been, as always, very well informed and constructive, reflecting the considerable expertise and experience which exists across the House in relation to children and their journey through life. This expertise will be invaluable when we come to look at the clauses in the Bill in more detail in Committee.

I will not be able to cover all the points made by noble Lords but I will try to cover as many as possible. Starting with the general scrutiny of the Bill, a number of noble Lords raised their wish for the House to be given adequate time and information for the Bill to receive detailed scrutiny in the House. I share this wish. I very much welcome the expertise of the House, of which this debate is a great example. The Bill will receive the usual detailed scrutiny in Grand Committee. We have also already made arrangements for detailed briefing sessions and discussions on parts of the Bill, the first of which will take place tomorrow. I hope that noble Lords will take advantage of these meetings.

I am also happy, along with my ministerial colleagues and officials, to meet any noble Lords to discuss the Bill if they would find this useful. I am also happy to reiterate our commitment to publishing indicative draft regulations and policy statements before clauses containing delegated powers are debated in Committee, and I am glad that this has been welcomed by a number of noble Lords across the House, including the noble Lord, Lord Hunt, just now.

Turning to some comments by various noble Lords concerning the delegated powers in the Bill, as I said at the start of this debate, I do not want to get into a long discussion on secondary legislation now, but the noble Lords, Lord Watson and Lord Ramsbotham, were both, I am advised, wrong about the number of delegated powers in sections of the Bill. In the case of the noble Lord, Lord Watson, as I said at the outset, and as mentioned by my noble friends Lady Shephard and Lord Lang, Clauses 20 to 40 actually contain only two new delegated powers and one extension of an existing power proposed. This is vastly different from the suggestion by the noble Lord that there were 29 delegations of power.

To explain this further and to assist the noble Lord in looking again at his assessment, he will wish to note that delegations of power appear in Clauses 20 and 39, with an extension of an existing power in Clause 40. Remaining clauses in this part explain the use of the new powers and the purposes to which they will be put, including safeguards such as requiring the Secretary of State to consult on regulations and lay the consultation report before Parliament. It is simply not correct to label each of these clauses a new delegated power.

Similarly, the noble Lord, Lord Ramsbotham, referred to the number of powers in Clauses 15 to 19 and counted five delegated powers in this section. There is, in fact, only one delegated power in Clause 15; the remaining four clauses flesh out that power, including inserting a sunset provision and requiring consultation. The Government are firmly of the view that delegated legislation is the most appropriate vehicle to set out the role and operations of the new regulator. We must be able to update the legal framework to reflect changing professional standards and improvements in working practices. This is also in line with recent advice from the Law Commission on regulatory reform, which emphasised the need for this type of flexibility in the exercise of a regulator's functions. It is also in line with the approach adopted by the Labour Government in 1999. At the time the 1999 regime was put in place, the Labour Government were happy that was an appropriate use of a delegated power. Again, we will be publishing policy statements and draft regulations for this area before Committee and I am, of course, more than happy to meet noble—and noble and learned—Lords to discuss this part of the Bill if they would like to do so.

Turning to the substance of the Bill, first, I want to respond to the concerns raised by a number of noble Lords, including the noble Lords, Lord Watson, Lord Ramsbotham, Lord Wills and Lord Warner, the noble

Baronesses, Lady Pinnock, Lady Massey, Lady Meacher and Lady Walmsley, and the noble Earl, Lord Listowel, about the innovation clauses: Clauses 15 to 19. The noble Lord, Lord Watson, raised the spectre of for-profit. In 2014 we brought forward legislation preventing profit making, where local authorities delegate child-protection functions, and we have no intention of revisiting that position. Where a local authority delegates children's social care functions, Ofsted will still inspect them as part of local authority inspection and hold the council to account for the quality of those services. All applications to the Secretary of State will be assessed on a case-by-case basis. In addition to consultation by both the Secretary of State and the local authority, this will include Ofsted, the Children's Commissioner and local authority partners.

It may be helpful if I touch on a few examples of where this power to innovate might be applied and where local authorities might apply for exemptions. The first concerns family and friends carers. It is recognised that a carer who is either a family member or a friend is typically the best option for a child, but too often it is hard to get such a carer approved to the same standard as a professional foster carer, particularly within the 16-week time limit. Exemption could allow local authorities to trial making placements for children that put the child at the centre of the decision, prioritising their needs and their attachment to family and friends, without unduly sacrificing the safeguards in place for the child.

Secondly, there is strong consensus in the sector that in low-risk cases the role of the independent reviewing officer brings no additional benefit. Exemptions will allow local authorities to trial redirecting IRO resource differently—for example, to more complex cases—while reducing the number of additional people a young person does not know at their review, which is a known concern, in more straightforward cases.

Thirdly, there is criticism that adoption and fostering panels which are only advisory add little value and can often delay the process of approving prospective carers. Exemption could allow local authorities to trial removing a potentially invasive and unnecessary requirement from one of the many layers of checking, leaving the agency decision-maker who currently makes the decision to exercise their professional judgment.

A number of noble Lords, including the noble Lord, Lord Watson, and the noble Baroness, Lady Pinnock, praised Leeds for its good work. It is, indeed, one of our partners in looking at Clauses 15 to 19, and is itself hoping to make use of the power to innovate.

The noble Lord, Lord Watson, talked about the importance of care leavers receiving advice about leaving care well in advance of that event. The noble Baronesses, Lady Benjamin, Lady Howe and Lady Bakewell, and others talked about the importance of advice for care leavers. Indeed, this was raised by a number of young people yesterday and is exactly the sort of advice that should be covered in the local offer. Two particularly impressive young people yesterday said that their local authority offered a passport to independence, setting out all the things that young care leavers need to know.

The noble Lord, Lord Watson, the right reverend Prelate the Bishop of Durham and others mentioned the importance of kinship care and foster care, which we, of course, recognise. In 2011, we published *Family and Friends Care*. Under this guidance local authorities must publish their approach to promoting and supporting the needs of children living with family and friends. The Government have also taken action through regulations to strengthen and encourage arrangements for long-term foster care. Our emphasis then, as in this Bill, is to promote stability in children's lives.

The noble Baronesses, Lady Pinnock and Lady Hughes, talked about money. The amount spent on child protection and social care has remained steady since 2010. This is not necessarily about the amount of money spent but also the way it is spent. The best provision is not necessarily the most expensive. We hope that the power to innovate will demonstrate that.

My noble friend Lady Shephard made very good points about individual responsibility and mentioned good practice in Trafford. Trafford is, sadly, the only local authority in the country whose services and support for care leavers have been rated as outstanding. Obviously, we would like many more local authorities to aspire to that level of success. She also mentioned Norwich for Jobs, of which I am aware. I am delighted to hear that it is now bringing that programme to NEETs.

The noble Baroness, Lady Pinnock, asked about apprenticeships for care leavers. Employers receive full funding for the training costs associated with an apprenticeship. This has been extended to care leaver apprentices up to the age of 24. We will now go further and extend this to 25.

A number of noble Lords, including the noble Lord, Lord Watson, the noble Baronesses, Lady Tyler, Lady Walmsley and Lady Howe, and the right reverend Prelate the Bishop of Durham, spoke about corporate parenting. The local authority has statutory responsibility for the care of looked-after children and care leavers, and therefore in law is the corporate parent. However, we recognise that other agencies will also have an interest in, and potentially an impact on, the lives of children in care and care leavers. That is why under our wider care-leaving strategy we are promoting a care leaver covenant which will encourage other agencies and organisations to adopt the principles and have regard to them in their planning and decision-taking. Importantly, the fourth principle also sets out a requirement on local authorities to work with local partners to ensure that young people can access their services.

The noble Baroness, Lady Howarth, and the noble Lord, Lord Bichard, talked about the lack of success that often results from government departments joining up. I acknowledge that but this Bill is an example of good joint working between the DfE, the Department of Health and the Home Office in particular. The Social Justice Cabinet Committee has also had a number of discussions on and with care leavers to ensure that their needs are well understood across government.

The noble Baronesses, Lady Hughes and Lady Benjamin, the noble Lords, Lord Wills and Lord Bichard, the noble Earl, Lord Listowel, my noble friend Lady Stedman-Scott and others talked about the importance of personal advisers and whether it was sufficient to leave it to the child or young person themselves to request an adviser. This is an extremely

[LORD NASH]
good point which I would like to go away and reflect on. We had hoped that the local offer would make it absolutely clear to all care leavers that they have this expectation, but I would like to consider this further.

The noble Baroness, Lady Hughes, talked about an overreaching look at things in legislation and whether we could look more widely. The legislation is, of course, only part of the solution: practice is absolutely key and a great deal of work is focused on this. Many noble Lords, including my noble friend Lord Farmer, the noble Lord, Lord Warner, and the noble Baroness, Lady Howarth, raised the matter of personal advisers. Minister Timpson has asked officials to conduct a review of the personal adviser role, to determine whether the functions should be amended to give more emphasis to the mentoring and befriending aspects of the role. He has asked for this review to be undertaken at pace, so that its findings are available to inform further thinking as the Bill proceeds through Parliament. It will cover areas such as consistency, relationships, quality and requirements.

My noble friend Lord Farmer, the noble Earl, Lord Listowel and the noble Baronesses, Lady Hughes, Lady Massey and Lady Hodgson, talked about the importance of early intervention and early years. I could not agree with them more: they made some extremely good points. I would be delighted to set up a meeting between the noble Lords and Minister Gyimah, who is responsible for this area, to discuss this further. The noble Baronesses, Lady Meacher and Lady Walmsley, and the right reverend Prelate the Bishop of Durham talked about the circumstances where a national review might be called for. I would like to reflect on this more. Concerns were raised about the distress of good social workers whose cases are considered by this kind of panel. I assure noble Lords that the panel will in no way focus on individual blame, but only on issues which may lead to timely improvement at national level. I note the concerns of the noble Baronesses, Lady Walmsley and Lady Pinnock, that lessons learned from national reviews trickle down to the local level.

The noble Baroness, Lady Walmsley, and the noble Lord, Lord Bichard, raised questions about the dissemination of learning, concerns about the two-tier system and the criteria for national reviews. The dissemination of findings from reviews is critical. That is the role of the proposed What Works centre for children's social care. The centre will build a robust evidence base and share learning on what does and does not work. The noble Baroness, Lady Massey, made an extremely important point about the importance of social skills. She might be interested in a report just out from Harvard, a copy of which I can provide her with. It states that all new jobs in America created over the past 10 years have gone to people with the essential social and life skills, and predicts that this is likely to continue in future. She also asked about our definition of coasting schools. This will be laid before Parliament in the autumn, after this year's exam results are published. On life skills, in our recent White Paper we have placed greater importance on building character and resilience in every child. We will also significantly expand the National Citizen Service and expect schools to give every pupil the chance to take part.

The noble Baroness, Lady Young, asked about records access. The Children Act 1989 statutory guidance sets out the requirements which local authorities must follow in relation to care records. It states what records should include and that they should be kept for 75 years. That Act requires local authorities to give access to records to people authorised by the Secretary of State and guardians appointed by the court. The noble Baroness, Lady Hughes, talked about the removal of a duty under the Children Act 1989 to publish information. I do not believe that there is such a removal. It is simply that an existing duty to publish certain information relating to care leavers has been incorporated into the local offer provisions. I am happy to give her more clarification on that if she would like it.

The noble Lord, Lord Ramsbotham, referred to the report by the noble Lord, Lord Laming. We welcome this report on an important topic. We are clear that no child living in a children's home should be criminalised for behaviour that would not concern the police if it happened in a family home. The Government have asked Sir Martin Narey to review residential care and he will make recommendations on criminalisation. We have also asked Charlie Taylor to conduct a review of the youth justice system. He will report back in the summer with recommendations on how to improve the treatment of young people in care.

The noble Baronesses, Lady Tyler and Lady Massey, the noble Earl, Lord Listowel, my noble friend Lady Hodgson and the noble Baronesses, Lady Walmsley, Lady Benjamin and Lady Howe, talked about mental health. Children's mental health is obviously extremely important, particularly in relation to children in care, and the Government take the issue very seriously. Last year we published *Future in Mind*, setting out our vision for transforming children's mental health services, including local transformation plans setting out the mental health services in place to meet the needs of looked-after children. We are backing this with £1.4 billion over five years and we have agreed that an expert group on the mental health of looked-after children will look into the issue of specialist assessment.

The noble Lord, Lord Ramsbotham, mentioned the UNCRC report in relation to the Bill. We recognise the importance of the committee's work and the Bill formed part of the evidence that we prepared for it. We are now looking closely at the report. He also mentioned life chances. He is right to say that the Bill supports the life chances agenda and to emphasise the need to make sure that the two dovetail. On unaccompanied minors—a point also raised by the noble Baroness, Lady Massey—DfE officials are working and will continue to work closely with the Home Office. We recognise that unaccompanied minors have wide-ranging needs and we are working closely with the local government sector to ensure that they receive appropriate support that reflects their needs and experiences, and which do not place disproportionate pressure on the services of any individual local authority.

There was also a question about children going missing from education and about their exploitation. The noble Baroness, Lady Howe, particularly raised the issue of unaccompanied asylum-seeking children. We take the issue of missing and absent children extremely seriously. That is why last year we placed a

duty on councils to offer an interview to children who return from going missing within 72 hours and, for the first time ever, have collected national data on all children who go missing from care, not just those missing for 24 hours. We have strengthened care planning and children's homes regulations, including requiring all homes to ensure that they have clear policies on preventing children going missing, and responding when children do go missing, in line with local police protocols on missing persons.

The plight of unaccompanied asylum-seekers is of course different from that of children who have been taken into care as a result of their domestic situation. Many are aged 16 or 17 and, as several Members have noted, have experienced long and difficult journeys to reach the UK. Some have witnessed terrible events. Their needs can of course vary hugely from individual to individual. Such children also tend to be concentrated in a few locations around the country, which can put additional pressure on those local authorities' services. Kent, for example, now faces a shortage of places for its own children who need to be taken into care. The Government are working closely with the local government sector and individual local authorities to ensure that the needs of these children can be met by a much wider group of local authorities. That exercise is under way and the Government are providing additional funding to support those placements, and to ensure that appropriate support can be provided.

A point was made about extending the visits of virtual school heads to FE colleges—I think it was made by the noble Baroness, Lady Hughes. If a child is looked after, the virtual school head champions their education regardless of the education setting.

The noble Lord, Lord Warner, talked about the HCPC and our plans to take responsibility for social workers away from it. This is not a criticism of the work of the council, as I said earlier, but it regulates 16 professions and we believe that social work requires a different model of regulation—one that is specific to this unique and challenging profession and puts it on a par with other high-status professions. We will work closely with the HCPC to ensure that we maintain what works well under the current regulatory framework. This is a joint approach by DfE and the Department of Health for children and adult social services.

The right reverend Prelate the Bishop of Durham, my noble and learned friend Lord Mackay and the noble Baroness, Lady Pitkeathley, talked about a college of social work. Indeed, until recently the Government supported an attempt to establish such a college with £8.2 million. Unfortunately, the college struggled to attract the members it needed and, in any case, this is no substitute for independent, professional standards and regulations. Public protection will remain a central objective of the new regulator. As for the concerns of the noble Baroness, Lady Pitkeathley, about costs, we do not anticipate any immediate changes to the registration fees paid by social workers.

The noble Lord, Lord Wills, talked about whistleblowing. Although Public Interest Disclosure Act protections cover only directly employed foster carers, there are already wider requirements for fostering services to have complaints procedures and whistleblowing policies in place. Standard 21.11 of the fostering services national minimum standards is clear:

"Current and prospective foster carers",

must be able to,

"make a complaint about any aspect of the service which affects them directly".

It is also clear that records must be kept of,

"representations and complaints, how they are dealt with, the outcome and any action taken".

A number of noble Lords asked why we are creating new offences. There is in fact little here that is new: the current legislation already provides the power to create offences in secondary legislation to support the regulation of social workers. The provisions we have made in this Bill are in fact considerably narrower in scope than those that exist in the primary legislation at present. They will enable the creation of a small number of offences that, as now, we judge essential to protect the integrity of the regulatory process.

My noble friend Lord Lang of Monkton and the noble Baroness, Lady Dean, asked about confidential information requested by a panel under Clauses 11 and 14. The Bill does not prevent those asked for information from asserting legal or medical privilege. The panel would need to consider any such assertion against the need for the information, and it is also important to note the care that the panel would take with such information in its consideration with regard to publication. The Bill does not include a power for the panel to compel the provision of information, although public bodies may be required to do so as a result of judicial review. We are currently considering whether additional powers of enforcement would be appropriate and will bring forward a suitable amendment if that is deemed necessary.

The noble Baroness, Lady Howarth, talked about the assessment of the SEND local offer. The noble Baroness rightly noted the parallels between the care leaver offer and the SEND local offer introduced in the Children and Families Act 2014. It is still early days, of course, but we are optimistic about its impact. I do not have any data with me, but the anecdotal feedback I have received is very positive.

My noble friend Lord O'Shaughnessy asked whether the categories of ceased to be looked after and previously looked after were the same. I can assure him that they are the same. He also raised some points about designated teachers, what works and other matters which I will reflect on and on which I will respond to him. I am grateful for his encouragement to be bold on the question of the power to innovate.

In conclusion, I agree entirely with the excellent comments by the noble Baroness, Lady Tyler, and the noble Lord, Lord Bichard, about the difficulties facing social workers in their vital jobs. We are determined to do everything we can to make the lives of social workers less difficult and to raise both the level of support for them and their status.

Lord Warner: I am sorry to interrupt the Minister in his flow, but he has had a good run at it. Could he say a little more about how the Government are going to answer the very specific question that a number of

[LORD WARNER]
us raised about Part 2? Could he ensure that we have a joint briefing with Department of Health Ministers so we understand what the Government are doing in this area? As of now, the Minister is asking us to have a clause stand part debate on each of Clauses 20 to 40 so that we can get to the bottom of what the Government's thinking is in this area.

Lord Nash: I will not say any more now in view of the time, except that I would be delighted to host a joint briefing on the matter. I am grateful to all noble Lords for their contributions to today's debate and look forward to Committee.

Lord Watson of Invergowrie: My Lords, earlier in the debate, the noble Baroness, Lady Shephard of Northwold, expressed the hope that the amendment standing in my name on the Order Paper would not dominate the debate. I cannot speak for her, but I think she would agree with me that that has not been the case; nor was that ever the intention of these Benches in tabling the amendment. Many noble Lords have referred to it. In his recent contribution, the noble Lord, Lord Warner, to some extent alluded to the consequences of the paucity of information in Clauses 20 to 40. It is slightly disingenuous of the Minister, although I do not propose to get into a tennis match with him over what is and is not in those clauses—but if we did so, we might call on the services of an umpire. On this occasion, we have an umpire in the form of the Constitution Committee, and I shall repeat a small part of what it said about this Bill. It said that,

"the government continues to introduce legislation that depends so heavily on an array of broad delegated powers".

That seems unequivocal to me and to my colleagues on these Benches, and that is why the amendment was tabled.

It is inappropriate for the Government to continue to ride roughshod over the views of committees of your Lordships' House—the Delegated Powers and Regulatory Reform Committee will give us its views in due course—and the views clearly expressed in this debate by noble Lords. Although it is not my intention to test the opinion of the House on this amendment, if this continues in future and further Bills come forward in a similar form, the Government should expect the Opposition to come forward with a similar amendment, and on that occasion we may not be as accommodating. I beg leave to withdraw the amendment.

Amendment withdrawn.

Bill read a second time and committed to a Grand Committee.

House adjourned at 9.41 pm.

Volume 773
No. 13

Tuesday
14 June 2016

CONTENTS

Tuesday 14 June 2016