

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

Second Sitting

Tuesday 13 December 2016

(Afternoon)

CONTENTS

CLAUSE 2 agreed to.

CLAUSES 3 to 7 agreed to, some with amendments.

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

Written evidence reported to the House.

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

not later than

Saturday 17 December 2016

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The Committee consisted of the following Members:

Chairs: MRS ANNE MAIN, † PHIL WILSON

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

Public Bill Committee

Tuesday 13 December 2016

(Afternoon)

[PHIL WILSON *in the Chair*]

Children and Social Work Bill [Lords]

Clause 2

LOCAL OFFER FOR CARE LEAVERS

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

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

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

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

2 pm

Question again proposed, That the amendment be made.

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

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

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

This amendment introduces an additional definition for “care leavers”.

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

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

- (a) apprenticeships,
- (b) further education, and
- (c) higher education.

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

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

- (a) fee waivers,
- (b) grants, and
- (c) reduced costs of accommodation.

The report must be made publicly available.”

New clause 16—*National offer for care leavers*

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

- (a) in regulation 102(2)—
 - (i) in paragraph (a) after “18 or over” insert “and paragraph (b) does not apply”;
 - (ii) in paragraph (b) after “16 or 17” insert “or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25”;
- (b) in regulation 103(2)—
 - (i) in paragraph (a) after “18 or over” insert “and

paragraph (b) does not apply”;

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

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

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

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

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

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

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

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

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

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

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

“*Care leavers*

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

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

(b) under the age of 25.”

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

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

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

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

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

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

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

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

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

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

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

The Opposition acknowledge that multiple changes to someone's living circumstances will affect them, but change cuts across every aspect of the lives of care leavers;

we need to be aware of that, because we are dealing with the most vulnerable people in society. Those changes relate to their finances, access to housing and search for jobs, and care leavers confront those challenges while experiencing a withdrawal of care placements and social support services as they turn 18.

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

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

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

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

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

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

[*Steve McCabe*]

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

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

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

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

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

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

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

2.15 pm

To be fair to the Minister, I think he was talking about the improvements that he can show. It is fair to say that his own figures show that there has been a 1% rise in the number of care leavers who are able to access higher education, compared with the figures for 2014 and 2016. This is hardly a picture showing that things are okay and that we should feel relaxed about the progress that has been made. It tells me that things are far from okay; they are quite dire for some young people who enter the care system. They enter the care system expecting us, as their corporate parents, to do a better job for them. That is why we have taken them into care in the first place. They enter the care system

with us saying that, as a result of making that order, we are going to make their life better. If at the end of that process their educational opportunities have not improved significantly, their mental health situation certainly has not improved and may in fact have deteriorated, it seems to me that we are failing these young people.

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

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

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

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

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

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

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

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

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

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

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

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

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

Bearing those points in mind, I want to make an important clarification. Most care leavers who were formerly unaccompanied asylum-seeking children have refugee status, humanitarian protection or another form

of leave to remain or an outstanding human rights application or appeal. That means that they qualify, like any other care leaver, for the support under the Children Act 2004 care leaver provisions, to assist their transition into adulthood. In addition, they will benefit in the same way as other care leavers from the improvements to the framework contained in the Bill, including the local offer for care leavers.

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

Stella Creasy rose—

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

Stella Creasy: I simply ask the Minister whether he can clarify the difference between the description that he has just given and that in amendment 26, which states “unaccompanied asylum seeking children up to the point that they leave the United Kingdom”.

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

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

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

[Edward Timpson]

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

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

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

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

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

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

Steve McCabe: The Minister is describing the various things that the Department is doing to try to improve the situation. Does he recognise that a problem that young people themselves regularly identify is the number

of school changes they experience as a direct result of being received into care? The Barnardo's study says that care leavers are saying that they have experienced five changes of school, which makes life difficult for them. Does he have any plans to encourage or persuade local authorities to seek to restrict those movements between schools, which is clearly impairing these young people's education?

2.30 pm

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

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

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

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

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

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

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

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

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

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

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

Representatives from parent-carer forums and SEND organisations

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

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

Finally, I turn to new clause 16. It seeks to introduce a national offer for care leavers that would include reducing the length of benefit sanctions under universal credit; making care leavers eligible for working tax credit; extending the exemption from the shared

accommodation rate of housing benefit up to the age of 25; and exempting care leavers under the age of 25 from paying council tax.

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

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

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

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

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

[*Edward Timpson*]

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

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

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

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

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

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

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

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

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

2.45 pm

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

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

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

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

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

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 2]

AYES

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

NOES

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

Question accordingly negated.

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

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

This amendment introduces an additional definition for “care leavers”.

The Committee divided: Ayes 6, Noes 10.

Division No. 3]**AYES**

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

NOES

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

Question accordingly negated.

Clause 2 ordered to stand part of the Bill.

Clause 3

ADVICE AND SUPPORT

Mrs Lewell-Buck: I beg to move amendment 28, in clause 3, page 4, line 10, after “the” insert—
“physical and mental health, emotional well-being and”.

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

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

“, including their needs as a young parent where applicable.”.

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

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

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

“(9) In this section “young parent” means—

- an expectant parent,
- a parent who has their child or children in care, or
- a parent who had a child removed to kinship care, local authority care, or adoption.”

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

Amendment 28 would extend the duty on local authorities set out in clause 3 to include access to a mental health assessment for care leavers. When a care

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

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

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

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

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

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

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

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

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

[Mrs Lewell-Buck]

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

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

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

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

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

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

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

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

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

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

3 pm

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

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

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

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

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

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

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

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

There are, however, many other wider issues, such as health and development, education, training and employment, and financial and accommodation needs, which are also vital to care leavers' transition to independent life and adulthood. All these issues—it would not be practical to list them all—are arguably of equal importance and will be different for every child, so I do not agree with giving some more weight than others. It is also unnecessary because these and other issues are already comprehensively covered in volume 3 of "The Children

Act 1989 guidance and regulations". The statutory guidance is clear that local authorities must produce for each care leaver a comprehensive pathway plan, which must be based on an up-to-date and thorough needs assessment taking into account how to support their health and development and their physical, emotional and mental health needs. I shall read a small extract from that guidance, which states that pathway plans must address the

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

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

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

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

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

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

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

Steve McCabe: That's not what I asked.

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

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

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

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

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

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

3.15 pm

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

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

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

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

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

Take the example of North Yorkshire, where the No Wrong Door project to support care leavers has been hugely successful in improving support for care leavers. That model is now being shared and replicated—albeit crafted to meet individual need—based on the fact that it is showing benefits not only in North Yorkshire but in other parts of the country. The model is one of creating the evidence base, having the ability to spread best practice, and then ensuring that the sustainability proposed

in the original programme is there. On that basis, I urge the hon. Lady to withdraw the amendment.

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

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

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

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

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

Amendment, by leave, withdrawn.

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

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 4]

AYES

Creasy, Stella
Debonnaire, Thangam
Green, Kate

Lewell-Buck, Mrs Emma
McCabe, Steve
Siddiq, Tulip

NOES

Caulfield, Maria
Fernandes, Suella
Hoare, Simon
Kennedy, Seema
Merriman, Huw

Milling, Amanda
Syms, Mr Robert
Timpson, Edward
Tomlinson, Michael
Whately, Helen

Question accordingly negatived.

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

Clause 3 ordered to stand part of the Bill.

Clause 4

DUTY OF LOCAL AUTHORITY IN RELATION TO PREVIOUSLY LOOKED AFTER CHILDREN

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

“(6) In this section—

“relevant child” means—

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

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

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

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

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

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

Government amendments 2 and 3.

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

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

See explanatory statement for amendment 32.

Government amendments 4 to 6.

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

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

See explanatory statement for amendment 32.

Government amendments 7 and 8.

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

[Edward Timpson]

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

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

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

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

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

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

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

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

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

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

3.30 pm

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

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

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

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

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

Amendment 1 agreed to.

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

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

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

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 5]

AYES

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

NOES

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

Question accordingly negated.

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

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

- (a) a public authority,
- (b) a religious organisation, or

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

See the explanatory statement for amendment 1.

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

Clause 5

MAINTAINED SCHOOLS: STAFF MEMBER FOR PREVIOUSLY LOOKED AFTER PUPILS

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

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

- (a) was looked after by a local authority but ceased to be looked after by them as a result of—
 - (i) a child arrangements order (within the meaning given by section 8(1) of the 1989 Act) which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,
 - (ii) a special guardianship order (within the meaning given by section 14A(1) of the 1989 Act), or
 - (iii) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002), or
- (b) appears to the governing body—
 - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
 - (ii) to have ceased to be in that state care as a result of being adopted.”—(*Edward Timpson.*)

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

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

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

See explanatory statement for amendment 32.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 6]

AYES

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

NOES

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

Question accordingly negated.

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

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

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

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

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

- (a) a public authority,
- (b) a religious organisation, or
- (c) any other organisation the sole or main purpose of which is to benefit society.”—(*Edward Timpson.*)

See the explanatory statement for amendment 3.

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

Clause 6

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

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

“or

- (c) appears to the proprietor of the Academy—
 - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
 - (ii) to have ceased to be in that state care as a result of being adopted;”.—(*Edward Timpson.*)

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

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

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

See explanatory statement for amendment 32.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 7]

AYES

Creasy, Stella
Debbonaire, Thangam
Green, Kate

Lewell-Buck, Mrs Emma
McCabe, Steve
Siddiq, Tulip

NOES

Caulfield, Maria
Fernandes, Suella
Hoare, Simon
Kennedy, Seema
Merriman, Huw

Milling, Amanda
Syms, Mr Robert
Timpson, Edward
Tomlinson, Michael
Whately, Helen

Question accordingly negated.

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

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

See the explanatory statement for amendment 4.

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

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

- (a) a public authority,
- (b) a religious organisation, or
- (c) any other organisation the sole or main purpose of which is to benefit society.”.—(*Edward Timpson.*)

See the explanatory statement for amendment 6.

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

Clause 7 ordered to stand part of the Bill.

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

3.40 pm

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

Written evidence reported to the House

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

CSWB 03 Royal College of Speech and Language Therapists

CSWB 04 The Children's Society

CSWB 05 Professional Standards Authority for Health and Social Care

CSWB 06 Royal College of Paediatrics and Child Health

CSWB 07 Terrence Higgins Trust

CSWB 08 Legal Action for Women

