

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

Third Sitting

Thursday 15 December 2016

(Morning)

CONTENTS

CLAUSES 8 to 10 agreed to.

CLAUSE 11 agreed to.

Motion to transfer clause 11 agreed to.

CLAUSES 12 to 15 agreed to.

CLAUSE 16 under consideration when the Committee adjourned till this day at Two o'clock.

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

Monday 19 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

Thursday 15 December 2016

(Morning)

[MRS ANNE MAIN *in the Chair*]

Children and Social Work Bill [Lords]

Clause 8

CARE ORDERS: PERMANENCE PROVISIONS

Question proposed, That the clause stand part of the Bill.

11.30 am

The Minister for Vulnerable Children and Families (Edward Timpson): It is a pleasure to serve under your chairmanship, Mrs Main. We are all sad that Mr Wilson is not with us today, but we all agree that you are a fantastic and exemplary replacement.

Clause 8 will expand the factors that courts must consider when deciding whether to make a care order in respect of a child, and it will ensure that consideration is given to the impact on a child of any harm they have suffered or may be likely to suffer; the child's current and future needs, including any needs arising from that impact; and the way in which the long-term plan for the upbringing of the child will meet those needs. Those are all key considerations when courts are deciding whether to place a child in authority care and are considering all the permanence options available.

The family is, of course, the most important building block in a child's life—every child deserves a loving, stable family—but it is important that we find children who cannot live with their birth parents permanent new homes without unnecessary delay. It is common knowledge that children who enter care are particularly vulnerable, often having experienced abuse, neglect and disruption—experiences that can have a significant detrimental effect. That means such children have additional needs now and later in life, something I know all too well from my own family.

Research confirms that these children need quality care and stability, in particular, in order to secure their future chances in life. However, there is concern that, at present, those factors are not always at the forefront of decision makers' minds and, consequently, some children may be missing out on placements that would be right for them.

The Department's review of special guardianship orders in December 2015 found that potentially risky placements were being accepted. For example, in some cases special guardianship orders were being awarded with a supervision order because of reservations about the guardian's ability to care for the child in the long term. That was never the intention when the Children Act 1989 was introduced, so clause 8 seeks to ensure that courts also consider the individual needs of the

child now and in the long term, particularly in light of any abuse or neglect that they have suffered, and assess how well the proposed placement will meet those needs.

By ensuring that information about children's current and long-term needs is made available when key decisions are taken, we aim to ensure that the best placement option is pursued in every case—in other words, the placement that is most likely to meet a child's needs throughout their childhood. Those working with children in this area support the clause. Andy Elvin, the chief executive of the Adolescent and Children's Trust—TACT—the UK's largest fostering and adoption charity, has said:

"All of this is eminently sensible. In practical terms it will raise the evidential bar for all care planning.

The biggest impact, rightly, will be on special guardianship order assessments. The logic of this is that these will have to move to be on a par with fostering assessments. The court is being asked to make a decision that will last not only the child's minority, but impact the rest of their life."

Dr Carol Homden, the chief executive of Coram, has said:

"Recent research shows that many people underestimate the significance of harm that all too many children experience before coming into care. Therefore, we particularly welcome that this Bill calls courts and local authorities to focus on the impact of any harm a child has previously suffered and their life-long future needs when making decisions about their care."

These are clearly important measures that have the strong support of those outside the House.

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to serve under your chairmanship, Mrs Main. The Opposition do not have a problem with the clause. In fact, when I first entered the House three years ago I questioned the Minister on SGOs, so I am pleased that he has now listened. In practice, I would routinely do this in care plans any way, and I think a lot of social workers do. We welcome the clause.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clause 9

ADOPTION: DUTY TO HAVE REGARD TO RELATIONSHIP WITH ADOPTERS

Question proposed, That the clause stand part of the Bill.

Mrs Lewell-Buck: We believe that clause 9 should be deleted from the Bill, because under its provisions prospective adopters could be prioritised over relatives or other carers. That completely contradicts the Children Act 1989. It could lead to children being prematurely placed with prospective adopters even before the conclusion of court proceedings, in order to build a relationship with prospective adopters that is then used to undermine the child's prospect of going back to his or her birth family, extended family members or friends, who love the child and have been trying to do their best to keep them in their care.

A premature placement with prospective adopters could prejudice the outcome of legal proceedings, causing unnecessary pain and distress to all concerned. It diminishes a child's right to a family life, risks the early separation

of siblings, and inflicts trauma and grief on children and their primary carer, who more often than not is their mother, as well as on other loving family members, especially grandparents.

The clause is a prime example of the Government's obsession with adoption to the detriment of all other forms of care. The time and money that the Department has spent on adoption is staggering, with more than 20 policy changes since 2010. Back in 2012, the former Education Secretary, the right hon. Member for Surrey Heath (Michael Gove), said:

"I firmly believe more children should be taken into care more quickly...I want social workers to be more assertive with dysfunctional parents, courts to be less indulgent of poor parents, and the care system to expand to deal with the consequences."

And Lord Nash said in the other place, in the proceedings on this Bill, that

"the Government are strongly pro-adoption."—[*Official Report, House of Lords*, 14 June 2016; Vol. 773, c. 1114.]

What the Government should be doing is strongly advocating whatever care is right for each and every individual child, and not what they believe is right.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Does the hon. Lady acknowledge that the evidence shows that long-term stability is obviously important, and that part of that includes the option of adopting? It is not just adoption that is being promoted; that is but one string to the bow for the Government's weaponry, if you like, although "weaponry" is the wrong word. Can she not see that adoption is just one part of the Government's approach—albeit an important part—and that evidence also supports this approach?

Mrs Lewell-Buck: I thank the hon. Gentleman for that intervention. However, the clause singles out adoption for special attention; the issue needs to be looked at in the wider context of overall Government policy relating to children in care and plans for permanence.

Steve McCabe (Birmingham, Selly Oak) (Lab): The Government probably have the right intention in trying to put the emphasis on the permanence of arrangements for children, but the point my hon. Friend is making about the singling out of adoption is that adoption has a history, which is also negative.

Anyone who has read the book about Philomena Lee's experience or seen the recent film of it will know how adoption can be misused, and there is a history to adoption in this country that is not always positive. When we consider the issue of adoption, we should always think about the best interests of the child and not risking lapsing back into bad old habits and bad old days, when adoption was misused and abused in this country.

Mrs Lewell-Buck: My hon. Friend is right—adoption should not be the only option for a child. It is lazy to think that. That approach does not take into account all the other options that are there and that are in the best interests of the child.

Simon Hoare (North Dorset) (Con): To the best of my memory, "Philomena" is a film set in the 1950s in the Republic of Ireland, so it has nothing to do with the

Government of the United Kingdom. If the hon. Lady is really suggesting that her opposition to the clause should be based on the adoption policies of the Republic in the 1950s, parents interested in adoption may look rather askance at that.

Mrs Lewell-Buck: I think I thank the hon. Gentleman for that intervention. However, I will not dwell on the point, because I think he has missed the context of what we are trying to describe here.

Kate Green (Stretford and Urmston) (Lab): Does my hon. Friend agree that our concerns are based not on the history of adoption in the 1950s but on the discriminatory application of adoption proceedings, which often means that children from poorer families and certain ethnic groups and cultures are more likely to go through the adoption process more speedily? If the clause is not removed, it will make that even more likely.

Mrs Lewell-Buck: If the Department had spent this much energy on social worker recruitment and retention and invested in family support and early-years help, we might not be where we are now, with the highest number of children in care since 1985.

The Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers commented on the Department for Education's adoption policy paper this year. It said:

"We note the Policy Paper does not address how to prevent children entering the care and adoption systems in the first place...We are concerned that despite the intention to 'strengthen families', no more is said on this point and that there is no discussion of support for disadvantaged families despite the worrying increase in the numbers of children subject to care proceedings."

Edward Timpson: Will the hon. Lady accept that the adoption paper is about adoption, and that there is another Government paper—we have referred to it previously in Committee—called "Putting children first", which deals with all children who are going through the care system? It is not unusual for a Government to put forward different policy papers that cover different policy areas.

Mrs Lewell-Buck: I completely agree, but if the Minister lets me continue with my point, he will see where I am going with this.

The professional association continues:

"The scale of reduced spending on early intervention in children's services and the way this leads to greater costs elsewhere is well analysed"

in a number of reports.

"The key point...is that by significantly reducing early preventive work, more public money has to be spent on costly proceedings, foster care, mental health provision, adoption agencies and so forth, which potentially could be avoided by better focused spending at an earlier stage...We strongly warn against an 'evangelical approach' to adoption, whereby it is perceived as a good in itself. This perception is contrary to the majority view of European and western thought and jurisprudence, and it fails to appreciate it represents a serious and draconian step and a measure to be considered only 'when nothing else will do'...We strongly advise against performance indicators that positively promote an increase in adoptions as these inevitably lead to a distortion of professional activity in favour of adoption at the expense of other choices".

Steve McCabe: The Minister pointed out that there has in the past been a misuse of special guardianship orders—they were used in a way that was never intended, and the Government acted to address that. Does my hon. Friend feel that it would further the Government's intentions for the clause if the Minister assured us that he planned to give clear guidance to local authorities stating that the evidence presented to the court on the relationship with the prospective adoptive parents and all other options must be absolutely balanced? In that way, we would not be in danger of thinking that one measure was being inadvertently promoted above another.

The Chair: Order. Before I call the hon. Lady to respond to that remark, may I draw her attention to the fact that this is a very narrowly worded clause about the duty to have regard to the relationship with adopters during the adoption process? I encourage her not to range too freely about why adoption is not necessarily a good thing.

Mrs Lewell-Buck: Thank you for that advice, Mrs Main. I thank my hon. Friend for his intervention. If the Minister can allay my hon. Friend's concerns in his comments, we may not have to press the amendment to a vote.

The professional association states that “further tinkering with” the Children Act 1989

“could be unwise and the thin end of the wedge of social engineering.”

More children are adopted in the UK than in any other European country, and 90% of adoptions are without parental consent. One of the major arguments put forward for speeding up adoptions is that it would reduce the number of children in care, but the opposite has been the case. Dr Bilson, emeritus professor of social work at the University of Central Lancashire, has found that adoption policies, rather than reducing the number of children in care, have led to a 65% increase in the number of children being separated from their parents. He feels that that is unlikely to be due to an increase in abuse, because child protection findings of physical and sexual abuse have fallen since 2001, yet child protection plans have increased since 2010.

The majority of such plans are about neglect or emotional abuse, both of which could be better dealt with through family support and responses to poverty and deprivation, which lead to children being over 10 times more likely to be in care or on a child protection plan. Dr Bilson's research shows that over the past five years, the local authorities with the highest adoption rates also have the largest increases in the number of children in care. In those local authorities with the lowest rates of adoption, the number of children in care had fallen. In other words, prioritising adoption results in more children, not fewer, being taken into care.

11.45 am

For some children adoption is the best outcome, but the policy of adoption above all else works on the premise that children will be better off with wealthier parents, rather than on the premise of making all efforts to let them remain with their birth families. Putting the work in to keep children at home is hard social work. It costs time and energy, but in the long run it is worth it if it benefits the child.

Women Against Rape has highlighted that children are increasingly being removed from mothers who are victims of violence. Rather than providing them with the protection, resources and support they need to enable them to rebuild their lives safely, they are accused of failing to protect their children and often end up losing them as a result. Domestic violence is now a more common reason for the state removing children than mental illness or drug and alcohol misuse. Professor June Thoburn said:

“In many other EU countries, it is much easier for families to access support if they need help. Great emphasis is placed on helping families to care for children safely at home and maintaining family links if in care. But in “austerity” England, family support services are closing, thresholds are high, and social work is being defined as a narrow child protection service.”

In January, the Council of Europe highlighted the impact of austerity cuts on social services. In particular, it criticised England for its child protection focus and the removal of children who have been subject to domestic abuse, particularly in the context of policies promoting non-consensual adoption.

The Chair: Order. The hon. Lady is ranging widely off clause 9, which is titled “Adoption: duty to have regard to relationship with adopters”. I ask her to bring her comments back to that. I have allowed quite a lot of latitude.

Mrs Lewell-Buck: Thank you, Mrs Main. I will of course sum up very quickly.

The damage caused by the adoption targets is not being considered in the Bill, but it must be. Evidence reported just this week by *The Guardian* shows that local authorities are using targets, sometimes combined with financial incentives. It is worth remembering that adoption is far cheaper for councils than foster placements, because once a child is adopted, they are off the council's books for good. Adoption is also cheaper than providing services that might ensure that vulnerable parents can care for their children, but what of the money being saved? What about the lives of those destroyed by the separation?

The Bill is concerned in part with improving the situation of care leavers, which is important, but we make a mistake if we focus on their needs without considering why so many children are being taken into care and what we can do to reduce that. It cannot be right that we are talking about resources for corporate parents while saying nothing about resources for children and families who have been impoverished by austerity policies. The Government need to take a serious look at the patterns and trends in child protection, adoption and fostering, but instead they have continued on this damaging path of pro-adoption, and they are using a small clause in the Bill to strengthen that further. I hope the Minister will explain in his response why, despite evidence to the contrary, they are continuing on that path.

Edward Timpson: I am grateful to the hon. Lady for her contribution to the consideration of the clause. Mindful of the narrow nature of the clause, I say from the outset that the Government have always been clear that the right permanence option— whether that is adoption, special guardianship, kinship care, residential

care or even long-term fostering—will always depend on a child's individual needs and circumstances. As the law clearly states, the child's welfare is the paramount consideration, and that is as it should be. That is why I have to say to her that it is a little depressing to see the same arguments and rhetoric on the Government's plans for children in care, saying that we only have eyes for adoption. That is simply not borne out by the facts.

Mrs Lewell-Buck: Will the Minister give way?

Edward Timpson: Perhaps the hon. Lady will let me explain. This Government introduced the first ever legal definition of long-term fostering; none existed previously. We brought in quality standards on residential care a number of years ago, and 79% of children's care homes are now rated good or outstanding. The hon. Lady has already alluded to the work that we do with care leavers to make sure that during the period when they leave care they have much better support.

What we are trying to do with adoption, however, is tackle two issues, which Tony Blair tried to tackle in the late 1990s and early 2000s—not in the way he did it, which was by setting national targets, but by ensuring that when adoption is right for children they can be adopted and by making sure that when that happens it is without unnecessary delay. I do not think that anyone would argue it is acceptable for children to have to wait an average of 26 months from the time of entering care to move to an adoptive placement.

Those are the issues we have been tackling. What we are doing is not based on an ideological fantasy. We know from the research of Professor Julie Selwyn that adoption has a huge number of benefits for the children it is right for. It has the lowest breakdown rate of any permanent placement—about 3%, with special guardianship orders at about 6%. I have seen from my family the huge benefits that adoption can bring, but I have also seen from my family the huge benefits that long-term fostering can bring. I know from personal experience that each child will need to follow a different path.

What we are doing is not a mission to try to ensure that every child who comes into the care system ends up being adopted; we are trying to stay clearly focused on making sure that, where it is right for a child, that is exactly what happens. In the past couple of years, on the back of the *Re B-S* judgment, there has been a fall in the number of adoptions, not a rise. That is because we have to face up to the fact that there are still people who believe that adoption is not the right course of action for children. I am saying that we should not stand in the way in cases where it is right for them.

Mrs Lewell-Buck: Would the Minister share something with the Committee, to support his argument? His Department has made 20-plus changes to adoption since 2010; how many changes has he made to other areas of care, and what is the comparative cost? If adoption is not seen as the gold standard, surely other areas of care will have the same number of policy changes and the same spending.

Edward Timpson: I am afraid I disagree with the hon. Lady's premise. It is not the number of things that are done, but whether the things that are done have a discernible impact of the kind that we want, and achieve

the outcomes that we want to be able to celebrate. I do not accept that the amount of activity created is directly comparable to commitment or achievement of objectives.

I want to make it clear that local authorities' decisions on the most appropriate permanency option are based on the child's needs. That is what the law says. That is what the Bill does in making sure that those needs are given full and thorough attention when courts consider not just adoption but all permanent options. Clause 9 will ensure that courts and adoption agencies consider the relationship between a child and their prospective adopters when deciding about the adoption of a child in cases where the child is already placed with the prospective adopters.

That is an important point. It is not a matter of children who have no relationship with the prospective adopters, and have not met them or had time to get to know them. It is about those who are already placed, where there is already a relationship. The relationship between a prospective adopter and a child placed with them will clearly be a fundamentally important and relevant consideration when a court considers whether an adoption should be granted, because, ultimately, it is a court's decision, based on the best interest of the child, and with their welfare as the paramount consideration.

In the past two years there have been a small number of cases in which decisions have been taken to remove children from settled adoptive placements in favour of alternative arrangements with relatives who have come forward at a late stage. That may have potentially serious implications for the child, given the disruption to the attachments the child is likely to have already formed with their carers. That needs to be taken into account when making that final decision.

Where the making of an adoption order is being considered, in most cases the child will already have been living with their prospective adopters for between six to 12 months. During that time, the prospective adopters and the child will have established a relationship, and the child may have built a significant attachment to their carers. I have met adopters who have told me just that. The Government believe it is important that that attachment should be considered in the balance when final decisions are made about a child's adoption.

That is not to say that prospective adopters are prioritised over birth parents or other family members in those considerations. The existing legislation already makes it clear that the court is also required to consider the relationship that the child has with their relatives, including their mother and father, and the relationship they have with any other person the court considers relevant, such as close friends or wider family. That express and mandatory requirement is not changing, so there is no hierarchy here—just a fair, balanced consideration of each of the significant relationships a child has, based on their own needs.

I also point out that the court is required to consider the wishes and feelings of family members when making an adoption decision. In addition, the court must consider the value to the child of the continuing relationship with their relatives. That is already clearly set out in the Adoption and Children Act 2002, which was introduced by the last Labour Government, so relationships with the birth family and the child's relatives are therefore central to the court's considerations.

Steve McCabe: The Minister was talking earlier about the drop in the number of adoptions. One of the factors for that may have been that local authority departments misinterpreted the court rulings as advice to slow down the number of adoptions. They are easily influenced by such things. Is it the Minister's intention to offer some guidance to local authorities in the terms he has just stated, so that it is absolutely clear to them what their responsibilities are and what the intentions of clause 9 are, and how that has to be weighed against all of the other considerations he has just referred to?

Edward Timpson: I am happy to look again at what the guidance might say and what might be appropriate to reflect the change in the law in this small area. The primary legislation that is relevant to these cases is clear. I am on the record, not only in this Committee but on previous occasions, making it clear that it has to be a decision based on that child's needs, taking into account all of the usual factors set out in the welfare checklist and so on. I am happy to look at that. On that basis, I hope hon. Members feel reassured, and that the clause can stand part of the Bill.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 8, Noes 5.

Division No. 8]

AYES

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

NOES

Debonnaire, Thangam	McCabe, Steve
Green, Kate	
Lewell-Buck, Mrs Emma	Siddiq, Tulip

Question accordingly agreed to.

Clause 10 ordered to stand part of the Bill.

Clause 11

POWER TO SECURE PROPER PERFORMANCE

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the Government motion to transfer clause 11.

12 noon

Edward Timpson: Clause 11 seeks to retain the Government's ability to intervene and drive improvement in combined authorities, in the same way that we do now in individual local authorities where children's social care services are failing vulnerable young people. The motion to transfer this clause is a housekeeping part of the Bill and we propose that chapter 2 of part 1 of the Bill be divided into three shorter chapters with this provision appearing in the third. I move that the clause stand part of the Bill.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Ordered,

That clause 11 be transferred to the end of line 12 on page 22.—(*Edward Timpson.*)

This motion would facilitate the division of Chapter 2 of Part 1 into three shorter Chapters, to be entitled "safeguarding of children", "children's social care: different ways of working" and "other provision relating to children". Transferring clause 11 would enable it to appear in the Chapter entitled "other provision relating to children".

Clause 12

CHILD SAFEGUARDING PRACTICE REVIEW PANEL

Question proposed, That the clause stand part of the Bill.

Mrs Lewell-Buck: I hope to get some clarity from the Minister regarding the industry's and the Opposition's concerns about the clause and the introduction of the child safeguarding practice review panel. I will give a more specific analysis when we debate amendments to clause 13, but I will put them into the context of clause 12.

The British Association of Social Workers is worried about the independence of the child safeguarding practice review panel and the possibility that the Secretary of State could use the panel to hammer on local authorities that she would like to take over. There is widespread alarm in the sector that the warnings in the National Audit Office report, which we discussed in Tuesday's sitting, are being ignored by the Department. Within recent weeks we have seen yet another Labour-led council being told to transfer its statutory duties to an independent trust. I hope that when the Minister responds he will point me toward evidence that trusts do better and can achieve what local authorities could not have done without support.

The clauses also allow for the creation of a national child safeguarding review panel that can choose to identify and review complex or nationally important child safeguarding cases and make recommendations. I completely understand the rationale for overhauling the local serious case review process, as there have been widespread inconsistencies in the quality of such reports. However, while local learning can be patchy and distorted by local political and inter-agency dynamics, local-led investigations also keep local agencies engaged and involved and enable local knowledge to inform the process and the recommendations. I hope the Minister will be able to explain how the local aspect will not be lost.

There are a few examples of independent expert boards set up by recent Secretaries of State and the Department for Education. In 2014, they created the innovation fund to promote new practice within children's social care, with a board to oversee operations and to set strategic direction. It appointed three people with financial services and investment banking experience, plus the chief social worker for children, who we know sees herself no longer as the independent voice of the profession, but as a senior civil servant, yet she is the only person on the board with practical experience in children's social care.

When the Government sought to promote and publish more serious case reviews in the same year, we saw yet another expert panel. The four members of the panel

were a journalist, a barrister, an air traffic accident investigator and a former career civil servant who had been the chief executive of the Big Lottery Fund. No one on the panel had any front-line experience in child protection or its direct management. It appears that there is a worrying recurring tendency. I hope the Government will reflect, rethink and build relationships with those who know most about helping children. At the moment, it appears that the DFE sees little value in using the professional experience and expertise of those who work to assist and protect families. Can the Minister shed light on how many former or still registered social workers are in his Department? When the Government appoint experts to oversee and direct children's services, they have consistently considered commercial and financial expertise more relevant than direct experience. That is why there is some wariness about the intention to set up expert panels to advise DFE.

It is also intended that the Department for Education will have control over who can be a social worker, whether they can continue to work, how they are educated and trained and who will provide this education. The current preference is for that to be provided outside universities by Frontline, a fast-track programme that is premised on moving practitioners as quickly as possible from practice into management and threatens the continuation of traditional university courses.

The other big part of the Bill, which was removed in the other place, will create a system of inconsistencies. Rather than innovative, that system might less generously be described as an increasingly threadbare safety net. Control of social work and social workers should be in the hands not of politicians but of the profession itself.

Edward Timpson: Clause 12 requires the Secretary of State to establish a child safeguarding practice review panel. The clause will add new section 16A to the Children Act 2004. The Government first announced their intention to centralise the serious case review process in December 2015. The background to their decision to legislate to introduce such a panel was set out in their response to Alan Wood's review of the role and functions of local safeguarding children boards. I remind the Committee that Alan Wood is a former director of children's services at Hackney. His review demonstrates that the Department is more than willing to ask people from the profession to advise and assist it in its decision making. The panel is being established in response to his recommendation that the Government should

"establish an independent body at national level to oversee a new national learning framework for inquiries into child deaths and cases where children have experienced serious harm."

He suggested that the body that supported a centralised review process should be

"one that is independent of government and the key agencies, and operates in a transparent and objective fashion to ensure learning is the key element of all inquiries."

The Government agree entirely with that recommendation.

I should add that we intend to establish the panel as an expert committee. I expect its chair's appointment to be subject at least to a full, open Cabinet Office public appointments process. I envisage that panel members will come from various backgrounds, including social care, and have the relevant expertise and experience to fulfil the role. I expect the number of panel members to

be sufficient to enable the panel's effective operation, and the chair to be able to draw on the expertise that he or she considers necessary for effective decisions and recommendations to be made about cases.

The Secretary of State will be responsible for removing panel members if he or she is satisfied that they are no longer able to fulfil their duties, for example due to a long-term or serious health condition, or if they have behaved in a way that is incompatible with their role, such as by releasing confidential information that is provided to the panel or making use of such information for their own purposes. Those are usual conditions, and while such action is extremely unlikely to occur, it is right to make provision for the removal of panel members should the need arise.

The clause will also allow the Secretary of State to provide whatever assistance is required to enable the panel to carry out its functions, including staff and office facilities. The Secretary of State may pay remuneration or expenses to the chair and members of the panel, and make further arrangements to support the panel's functioning, including, for example, the production of an annual report.

The establishment of a strong national panel is an essential component of the Government's plans to develop better understanding of the factors leading up to serious cases, for the reasons that the hon. Member for South Shields set out, to inform policy and practice nationally, and to support local agencies in improving the quality of the services that they provide to vulnerable children and families. The new panel will be independent of the Government.

The hon. Lady quite rightly raised the need to ensure that local learning is not lost. To some extent, there are clear benefits in ensuring that we have a flexible approach, and I assure her that we will increase local flexibility at the same time as creating a national panel. Centralising review decisions will enable the new panel to identify national trends and issues that may benefit from a single national review. At the same time, the bulk of reviews will be local and will address cases that raise issues of local importance and relate to local safeguarding partnerships; that will increase local flexibility. We anticipate that the number of national reviews will be relatively small and the majority of reviews will take place locally. Most importantly, we must not just look at what happens when things go wrong but understand why and spread that understanding much better. I will go into more detail as we discuss clause 13 on how we will go about achieving that.

On that basis, I ask that the clause stand part of the Bill.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

Clause 13

FUNCTIONS OF THE PANEL

Mrs Lewell-Buck: I beg to move amendment 36, in clause 13, page 11, line 9, leave out

"unless they consider it inappropriate to do so".

This amendment would ensure that the Practice Review Panel publishes a report on the outcome of any review.

The Chair: With this it will be convenient to discuss amendment 37, in clause 13, page 11, line 11, leave out subsection (5).

This amendment is consequential to amendment 36.

Mrs Lewell-Buck: Amendment 36 would ensure that the new child safeguarding practice review panel publishes a report on the outcomes of a review. The current wording of the Bill allows the panel to pick and choose the cases it deems necessary to review, but does not compel it to publish a report if it does not think it is appropriate.

It is not appropriate for a national board to weigh in on highly sensitive local cases and then refuse to publish its findings. If the new panel goes ahead, preferably with guaranteed independence from the Secretary of State, it must do so as transparently as possible. Child death and serious cases of abuse have to be treated very carefully, especially by a new national panel which will naturally be met with some suspicion by front-line practitioners in particular, who might expect the panel to act as yet another mechanism for publically blaming and shaming them when things go wrong. That is not a baseless fear; social workers have had to learn the hard way, with previous instances of central Government interference in local cases. I am certainly not opposed to rigorous national oversight of serious cases—the more we can review and learn lessons, the better it will be for vulnerable children—but if lessons and improvements are very much the purpose of the exercise, the panel must have a duty to publish its report in every case it takes on.

The Government's reason for creating this new panel is that it will pick up on cases that have wider implications than just those for the local authority, while ensuring that local authorities do not repeat mistakes that might have led to a child death or serious abuse. I want to know how the Minister can ensure that the national or local interest can be served if the reports are kept under lock, in secret.

Subsection (5) of the clause compels the panel to publish any suggested improvements arising from its report, even if it does not think that the publication of the report is appropriate, but that does nothing to solve the problem because improvements suggested out of any context are unaccountable. Who will guarantee that the suggested improvements arise from evidence presented to the panel? Amendments to mitigate the involvement of the Secretary of State in the business of the panel offer some reassurance, but the fact remains that if the mistakes are not published, suggested improvements cannot be properly owned by the managers or front-line practitioners that need to implement them in the local authority in question and nationally.

Under the Bill as it stands, the panel could publish a list of improvements to front-line practice that would leave practitioners open to public blame without recourse to a public document that explains their role. If front-line practice is at fault, that too needs to be made clear. I look forward to the Minister's comments.

Edward Timpson: I am grateful to the hon. Member for South Shields for the amendments and the important issues that she has raised. As I said a few minutes ago, the Wood review into the role and functions of local safeguarding children boards published earlier this year

highlighted a number of long-term issues with the current system of serious case reviews, including reviews being of poor quality, taking too long to complete and failing to identify required improvements to front-line practice.

In response, the Bill establishes a new system of national and local child safeguarding practice reviews to help resolve those issues. National reviews will be undertaken by the child safeguarding practice review panel into cases identified as raising issues that are complex or of national importance that it considers it appropriate to review. Commissioning of local reviews will remain with local areas and will be carried out into cases where local safeguarding partners consider that there are issues of importance in relation to the local area and that a review should be carried out.

Amendments 36 and 37 relate to subsections (4) and (5), which set out the requirement on the child safeguarding practice review panel to publish reports unless it considers it inappropriate to do so. If, on rare occasions, it does consider publication inappropriate—for example, where publication might lead to risk or distress for children or adults involved in the case—the panel is required to consider what information it is able to publish about improvements to be made following the review. As in the current serious case review system, reports commissioned by the panel will need to be written from the outset with the presumption that they will be published, and reports should be written in such a way that publication will not be likely to harm the welfare of any children or other individuals involved in the case.

12.15 pm

There is a small hint of irony here. I remember in my early days as a Member of Parliament being asked at the last minute to go on “Newsnight” to press the then Labour Government on why they still held the line of insisting on not fully publishing serious case reviews and asking only that executive summaries be published, as that was deemed to be sufficient. I am pleased that the hon. Lady has moved her party to a more enlightened position. We recognise, as I think she does, that there will be very exceptional circumstances where the publication of the full report may not be in the best interests of the child concerned or siblings and other family members. In those cases, it is important that, against the presumption in every case that it should publish the full report, the panel is able to exercise its professional judgment and discretion not to do so. The panel should also consider information that it is able to publish about implications for future practice.

Steve McCabe *rose*—

Edward Timpson: I knew that the hon. Gentleman would not be able to resist.

Steve McCabe: I just want to ask the Minister about a very simple point. I agree with what he is saying and I remember the occasion to which he referred. Given that part of the purpose of the measure is to improve learning and understanding, in cases where it is deemed inappropriate to publish the full report for the reasons he gave, will academic bodies have access to that information, or will they be excluded from access as well?

Edward Timpson: Will the hon. Gentleman confirm what he means by “information”?

Steve McCabe: When the full report will not be published for the reasons the Minister mentioned, will it be available to academic institutions? Will they be able to make full use of the full report or will they be denied access?

Edward Timpson: The report that will be published will be the redacted report, which will then be publicly available. We want to ensure that as much learning as possible can be extrapolated from that report. That is why we are setting up the What Works centre, which will be a repository for all serious case reviews. Practitioners and academics will be able to use the findings from those reviews to inform their own understanding and practice.

Mrs Lewell-Buck: I will not detain the Committee much longer on this point. I completely understand the Minister’s response that it is not always appropriate to publish such reports, but he did not comment on the fact that social workers are very anxious and scared that this might be used as another stick to beat them with. I hope that he will make some comments in the public domain or make some reference to that later in the Committee.

Edward Timpson: I am happy to repeat what I have said before: this is not a blame game. One problem that has arisen is that in the past, a serious case review, which is about learning from things that have gone wrong and having an open and honest discussion about how things can improve—an acceptance of failure—has turned into a finger-pointing exercise. That is not always in every case helpful in really getting to the bottom of what has gone wrong. We are absolutely not trying to turn the clock back to that type of approach. The aim is to have a very clear way to ensure that we learn and change the way in which we deliver practice for children, so that they are protected as much as possible.

Mrs Lewell-Buck: I thank the Minister. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mrs Lewell-Buck: I beg to move amendment 41, in clause 13, page 11, line 30, at end insert—

“(7A) When exercising its functions under this section, the Panel must, in particular, have regard to—

- (a) concerns relating to child safeguarding resulting from contact arrangements in families where one of the parents of the child in question has perpetrated domestic abuse, and
- (b) the implementation of Practice Direction 12J in child contact arrangements.”

This amendment would ensure that the Child Safeguarding Review Panel must have regard to circumstances around child contact arrangements that involve parents who have perpetrated domestic abuse. Practice Direction 12J (Child Arrangements and Contact Orders: Domestic Violence and Harm) aims to ensure that contact ordered with a parent who has perpetrated violence or abuse is safe and in the best interests of the child.

The Chair: With this it will be convenient to discuss amendment 42, in clause 14, page 12, line 13, at end insert—

“(c) the child dies or is seriously harmed by a perpetrator of domestic abuse in circumstances related to child contact.”

This amendment would ensure that local authorities in England have a duty to notify the Child Safeguarding Practice Review Panel when a child dies or is seriously harmed by a perpetrator of domestic abuse in circumstances related to child contact.

Mrs Lewell-Buck: Amendments 41 and 42 would strengthen the role of the child safeguarding practice review panel in cases where domestic violence has been a feature. They would ensure that contact was safe for the child, and that in the terrible circumstances where a child dies or is seriously injured by a perpetrator in circumstances related to that contact, the local authority must notify the panel.

Women’s Aid’s recent “Nineteen Child Homicides” report, launched as part of the “Child First: Safe Child Contact Saves Lives” campaign, revealed the scale of the challenge for child protection in families where one parent is abusive. Child contact arrangements should always be made in the best interests of the child and to protect the safety and wellbeing of the child and the parent with care. However, there are significant concerns that the current system managing child contact decisions is not consistently upholding that principle, resulting in significant child protection concerns within families where there is a perpetrator of domestic abuse. The Bill is a critical opportunity to improve child safeguarding practice and help to prevent avoidable child deaths and harm as a result of unsafe child contact with dangerous perpetrators of domestic abuse.

Existing research provides strong evidence that in making arrangements for child contact where there is a history of domestic violence, the current workings of the family justice system support a pro-contact approach, which can undermine the best interests of the child and the safety and wellbeing of the parent with care. That frequently exposes children and women to further violence, causes them significant harm and prevents recovery. The impact of witnessing previous or continuing domestic abuse is in itself a form of child abuse, but the significance of that is often minimised by the family court system. In my experience, that is most likely because those making the decisions in court have never had to witness at first hand the harm that has been done, as social workers have to day in, day out.

On average, only 1% of applications for contact are refused, even though domestic abuse is identified as an issue in up to 70% of family proceedings cases—those are only the cases where domestic violence is disclosed. In three quarters of cases where courts have ordered contact with an abusive parent, the child suffered further abuse. There is nothing worse than having to visit a child who is crying, visibly shaking and terrified and letting them know that the court has ordered they have to see the very person who caused them that harm. Some children have even been ordered to have contact with a parent who has committed offences against them, and in some tragic cases children have been killed as a result of contact or residence arrangements. There are clearly significant safeguarding concerns resulting from the management of current child contact arrangements, which should be considered in efforts to improve child safeguarding practice.

[Mrs Lewell-Buck]

In January this year, Women's Aid's "Child First: Safe Child Contact Saves Lives" campaign to stop avoidable deaths as a result of unsafe child contact with dangerous perpetrators launched alongside it the "Nineteen Child Homicides" report. The report highlighted 19 cases of children who were killed by perpetrators of domestic abuse in circumstances related to unsafe child contact. Those homicides took place in England and Wales and were outlined in serious case review reports. All the perpetrators were men and fathers to the children they killed. Later on, I will table new clauses to improve statutory support for victims of parental homicide. I hope the Committee will consider those.

The Under-Secretary of State for Justice, the hon. Member for Bracknell (Dr Lee), who is responsible for family justice, said:

"The Women's Aid report makes for harrowing reading. No child should ever die or live in such dreadful circumstances, and it is incumbent on all of us to consider whether more can be done to prevent such tragedies. The report underlines the need to prioritise the child's best interest in child contact cases involving domestic abuse, and to make sure that known risks are properly considered."—*[Official Report, 15 September 2016; Vol. 614, c. 1116.]*

The amendments would do exactly what the Minister's colleague asked for.

Stella Creasy (Walthamstow) (Lab/Co-op): What my hon. Friend talks about is incredibly important. One of the most upsetting cases I ever had to deal with as a Member of Parliament was one where social workers were writing letters in support of a woman's perpetrator staying in the country because they felt it was in the children's best interests to remain in contact with their father. As a result, she was put at direct risk, even though he had directly attacked the children, as well as her. We have to get this right and recognise the danger that perpetrators can present to the entire family. We must see it as being in the best interests of the children to keep the mother alive. The amendments would do exactly that and prevent such a scenario.

Mrs Lewell-Buck: I thank my hon. Friend for that intervention and her support for the amendments. She is exactly right. I know from experience of the family courts that parents' rights can often take precedence over the child's rights, especially in the realms of who has more in the human rights arena.

The Women's Aid report examines circumstances in which abusive fathers had contact with their children and investigates the lessons that can be learned for Government policy. Key findings were that two mothers and 19 children, ranging from one to 14 years old, were killed intentionally. Those fathers also had access to their children through formal or informal child contact arrangements. For 12 of the 19 children killed, contact with their father had been arranged in court in a similar way to that mentioned by my hon. Friend. For six families the contact was arranged in family court hearings, and for one family it was decided as part of a non-molestation order and occupation order. In two families, the father was even granted overnight contact. In an additional two families, a father was granted a residence order, which means that the children were allowed to live with him.

All of those fathers were known perpetrators of domestic abuse. Nine of the 12 perpetrators were known to have committed domestic abuse after separation from the child's mother, including attempted strangulation, sexual assault, harassment, threats, threats to abduct the children and actual abduction. They all indicated high-risk perpetrator behaviour. Of course, I agree that the responsibility for the deaths of those children lies squarely with the person who killed them, but research identifies key lessons for the child protection system in relation to child contact in families where there is one abusive parent.

Tulip Siddiq (Hampstead and Kilburn) (Lab): The shadow Minister is making a passionate speech about an issue close to my heart and, I am sure, to those of many in Parliament. I want to draw her attention to research on the risks to ethnic minority women in particular, and horror stories about refugee children who have seen their mothers abducted by fathers and abandoned in their country of origin without their children. Is she aware of that research?

Mrs Lewell-Buck: I thank my hon. Friend. I am not aware of that research but would like to discuss the matter further with her. It is critical to the Bill that the aim of improving local safeguarding is based on lessons learned from these tragic cases.

We need to understand that domestic abuse is harmful to children, even when they have not been directly physically harmed. There needs to be a culture change within the family court system to ensure that children's experiences of domestic abuse and its impact on them are fully considered and that practice direction 12J, which instructs courts to ensure that where domestic abuse has occurred any child arrangements orders protect the safety and wellbeing of the child and the parent with care, and are always completely in the best interests of the child.

Another concern is the professional understanding of power and control—of the dynamics of domestic abuse. Coercive control was a dominant feature in many of those cases, yet the report found a lack of professional understanding in statutory agencies and family courts about how power and control can manifest in an abusive relationship. The report recommends that the Children and Family Court Advisory and Support Service and child protection agencies and the judiciary should have more specialist training in that area.

There also needs to be an understanding that the point at which a survivor leaves an abusive partner is highly dangerous, yet time and again parental separation is seen by agencies as an end of the abuse and a reduction in the risk, when in fact that is the very time that the risk has intensified. As always in these cases, poor information sharing was identified as a major factor.

We need to support non-abusive parents and challenge abusive parents. In many of the serious case reviews, it was unclear whether the mother had been offered or referred to any specialist support, even when the abuse was known to police and social services. Statutory agencies often put the onus on the non-abusive parent to protect their children and end the relationship, rather than hold the perpetrator accountable. Communication

between family and criminal courts must improve, and there must be the safeguard that no unsupervised contact is granted to a parent who is awaiting trial or involved in ongoing criminal proceedings for domestic abuse-related offences.

I know full well that the Minister understands the importance of the amendments. If he does not support them, I hope he will explain what his Department will do to protect children fully from harmful contact, and how we can guarantee that the child safeguarding practice review panel will know about the serious harm done to children by domestic violence.

12.30 pm

Kate Green: It is a great pleasure to serve on the Committee with you in the Chair, Mrs Main. I want to reinforce what my hon. Friend said and ask a couple of questions.

I hope there has been a shift from the attitudes I have detected in the past few years. The Minister was right to emphasise that the best interests of children are the fundamental guiding principle that underpins the legislation, but in recent years I think the balance has moved to some degree towards a presumption in favour of contact. Indeed, at times that has been almost explicit in some of the language I have heard from some political and other figures. It would be really helpful if the Minister made clear again that the presumption for contact, if it exists, is very much secondary to what is in the best interests of the children.

Contact often is in the best interests of a child, but, as my hon. Friend pointed out, it is difficult to make that assumption when domestic abuse and violence have been present. Domestic abuse and violence cut across all social backgrounds, all economic backgrounds and all cultures and classes; the system needs to be aware of that. It should not be making assumptions that more articulate and authoritative men should in some way have their assertions taken at face value. I sometimes feel we see such examples in our own casework when particularly articulate cases have been made. Again, this is a good opportunity for the Minister to say how he envisages the panel will be able to spread good practice and awareness of such issues in responding to my hon. Friend.

My hon. Friend made a point about training professionals and mentioned in particular those in the family justice and family support system. In fact, a wide range of professionals who come into contact with children need to be alert to the signs of domestic abuse and violence. It would be interesting to hear from the Minister about how the safeguarding panel could help to spread that knowledge and awareness as widely as possible across a whole range of professional disciplines.

As my hon. Friend said, we do see forms of domestic abuse and violence well beyond the physical, such as coercive control and the undermining and humiliating of women in the family, through which a mother's self-confidence and self-esteem can be whittled away. That needs to be recognised when making decisions about the best interests of the care of children and their relationship with both parents. If the Minister feels unable to accept the amendments, I hope he will say how he intends to shift the balance back to where I think we agree it must be, with the best interests of the

child paramount in contact decisions. A presumption of contact is not the place to start, least of all when domestic abuse or violence is present or feared.

Edward Timpson: I am grateful to the hon. Member for South Shields for her amendments, which raise important, difficult and sensitive issues. She rightly made some insightful, wide-ranging points. I suspect that my response will not necessarily do justice to them all, but I will do my best.

One thing that the hon. Lady and I have in common is that we both have experience of dealing with these types of cases in the family courts and the children's social care system. We have seen at first hand the extreme pressure on those who take part in those proceedings—particularly those who have been victims of domestic abuse, whether as children or adults.

I have been involved in many contact cases, injunctions, non-molestation orders, occupation orders and finding of fact hearings that have centred around the issue of domestic abuse. One thing that has always struck me is that, in some parts of society, there is the presumption that domestic violence happens only in certain homes, but it can happen anywhere and in any home. That is why, when we did a big national campaign to help people understand what the signs of abuse look like, which we hope to repeat in the new year, we made it clear that domestic violence is not the preserve of some communities; it happens in every community, class and walk of life.

We need to grasp more widely the culture change that the hon. Lady spoke about in relation to the family courts. We can have the best system, regulations and laws in place, but if beneath them there is a reluctance to engage with the reality of domestic violence—both its prevalence and the devastating impact it has on the victims—we are never going to be able to tackle it and prevent it from being a feature of so many people's lives in the future. I fully echo many of the points that the hon. Lady made.

We need to work together collectively, both at a local level and nationally. Like many members of the Committee, I have been involved with my local Women's Aid and other support groups, as well as with men who are victims of domestic violence, to understand the reasons behind it and what we can do, at every point where those people come into contact with the community around them, to support them. As the Minister for Vulnerable Children and Families, I want to ensure that we most protect children. They must never have to suffer the consequences of being involved in such violence or seeing it around them.

Maria Caulfield (Lewes) (Con): The Minister is making some excellent points. Does not the argument of the hon. Member for Stretford and Urmston justify clause 12 and having a national panel? A wide range of professionals, not just those involved in individual cases, need to learn the lessons. The only way to do that is to have a national panel and to feed out the evidence so such cases and domestic violence are taken much more seriously.

Edward Timpson: My hon. Friend makes a good point. She re-emphasises the purpose behind having a more systematic and comprehensive way of pulling

[*Edward Timpson*]

together that knowledge and understanding for cases involving an issue of national importance and relevance, such as domestic violence. That would give all practitioners, whether they work in social work, the health service, schools or the charitable sector, access to well-researched and practical advice about how they can respond better should they find a child or a family in those circumstances. I do not underestimate the scale of the challenge that we face in ensuring that we are doing all we can across society and across Government to meet the real need that is out there.

These important issues were debated in the House on 15 September in response to the publication of the Women's Aid report entitled "Nineteen Child Homicides", to which the hon. Member for South Shields referred. As the Under-Secretary of State for Justice, my hon. Friend the Member for Bracknell, made clear then, it is incumbent on all of us to consider whether more can be done to prevent such tragedies.

As the hon. Lady said, the Women's Aid report graphically underlines the need to prioritise the child's best interest in child contact cases involving domestic abuse and to ensure that the risks are properly considered. I am happy to remind the Committee of what I said earlier, which I hope reassures the hon. Member for Stretford and Urmston: the paramount consideration is always the welfare of the child in any case where they are relevant. That is the key principle that guides the decision making in any judgment made by any court.

My concern about the amendment is that it risks giving the impression that reviews undertaken by the panel could stray into matters that are properly for the independent judiciary. Given previous comments about the need for the panel to be independent, I also think there is a risk of highlighting one particular matter to the exclusion of all others. As I said earlier, the law is clear: the family court's overriding duty is the welfare of the child. Decisions about child contact are made by the court, based on all of the evidence, and with the child's welfare as the court's paramount consideration. It would be constitutionally improper for the panel, as an administrative body, to seek to review such judicial decisions.

Kate Green: I understand the Minister's point about the independence of the judiciary. However, it will be difficult for the reports and reviews conducted to be meaningful if they cannot, in some way, take account of the effect of the decision-making process. How does the Minister see that tension being resolved? Does he envisage that any report by the panel would be unable to say anything about court decisions?

Edward Timpson: If the hon. Lady was to look at any serious case review now, she would see a clear timeline setting out the facts of the case that stated what the decisions were and what lay behind them. It is up to the panel members to call those who have been part of that particular case to come forward with their evidence, in order to inform that report—subject to any medical reason that would preclude them from assisting. The purpose of the clause is to make sure that we get as full and frank disclosure within the report as possible, to

inform both the panel's recommendations and the subsequent learning that we want to spread across the system.

The hon. Member for South Shields referred to practice direction 12J, which covers child arrangements and domestic violence and harm. It is judicial guidance to the family court on how to deal with allegations of domestic violence or abuse, and is issued by the president of the family division, with the agreement of Ministers and in accordance with process provided for by the Constitutional Reform Act 2005.

The explicit reference in a statute to such a practice direction, which the amendment would introduce, assumes a specific content for the direction. However, practice directions being made in the way I have outlined are open to amendment, revocation or replacement by further directions, so the hon. Lady's amendment would aim at what is likely to be a moving target. It is worth noting, in this regard, that the president of the family division has already asked a senior High Court judge to review the operation of practice direction 12J in the light of some of the concerns raised by Women's Aid. I am happy to share any further information I can glean from the Ministry of Justice and my colleagues in that Department with the hon. Lady.

Finally, I turn to amendment 42. It seeks to add to the circumstances set out in subsection 1 of clause 14, under which a local authority must make a notification to the child safeguarding practice review panel. As in my response to the previous amendment, I recognise the concerns about domestic violence and the risks that can be posed to both children and adults by potentially unsafe contact arrangements. The hon. Lady is right to highlight the risks to a particularly vulnerable group of children. Great consideration was given to defining the circumstances under which a local authority must notify the panel in order to come up with the criteria as currently set out in the Bill.

Inevitably, any such definitions cannot be exhaustive, include all circumstances or cover all settings in which children might suffer injury or harm. However, the intention has always been that all cases in which a local authority knows or suspects abuse or neglect, including cases in which factors such as those outlined by the hon. Lady are a feature, must be notified to the panel under the general duty to notify cases of death or serious harm.

With that explanation, and following the helpful debate that explored some of the wider issues around the subject—I am sure we will all want to return to that at a later date, if not in the Committee, then in the House—I hope that the hon. Lady will withdraw her amendment.

Mrs Lewell-Buck: I thank the Minister for his response. Like me, because of personal experience he totally understands the complexity of contact between children and parents through the courts. I appreciate that this matter may need discussion with his colleague at the Ministry of Justice. I hope he will commit to that and report back to us.

The reality is that the wrong decisions are being made, and those decisions are costing lives—the lives of children and women. In this place, we should and can always do more. I hope he will give us an update in the

near future on what the Government are doing in this area. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

12.45 pm

Mrs Lewell-Buck: I beg to move amendment 35, in clause 13, page 11, line 31, leave out subsection (8).

This amendment would remove the role of the Secretary of State with regards to giving guidance on serious child safeguarding cases to be reviewed, therefore ensuring the local authority's independence for this process.

We believe it is inappropriate for the Secretary of State to provide any guidance as to which serious cases are to be reviewed by the panel. Policy makers cannot be policy enforcers. There has to be a separation of the two to guard against policy being used to target specific local authorities. The panel will need to tread carefully in order to be seen as a constructive ally and critical friend of children's services, and therefore political neutrality is vital.

It will be impossible for the panel to make a credible claim of political neutrality if the Secretary of State is able to choose which serious cases are subject to review. For the same reasons, the Secretary of State cannot be seen to interfere in reviews that are under way either by deciding whether a review is making adequate progress or by rubber-stamping reports as being of adequate quality. If the Department wanted to consider an annual audit of all reviews to ascertain quality and function, that would be another matter, but on a case-by-case basis this involvement of the Secretary of State cannot reasonably be deemed acceptable, and I hope the Minister agrees that it could well hinder the efficient working of the panel.

Edward Timpson: Once again, I am grateful to the hon. Lady for her amendment, which seeks to remove clause 13(8), which enables the Secretary of State to give guidance to the panel on the circumstances in which it may be appropriate for a national child safeguarding practice review to be undertaken by the panel. I assure hon. Members that any such guidance will not undermine the panel's independence. The Secretary of State will not be able to direct the panel to carry out a review, and the panel will have sole responsibility for deciding which cases it should review, determining whom it appoints to carry out the review and the publication of the final report.

Subsection (8) also states the Secretary of State's ability to set out in guidance matters to be taken into account when considering whether a review is being progressed to a satisfactory timescale and is of satisfactory quality. Earlier, the hon. Lady quite rightly raised, as did I, the two issues of the variable quality of serious case reviews and the length of time many were taking before being published. There are sometimes legitimate reasons for cases not being published in a shorter timescale—for example, because there are ongoing criminal proceedings. However, there are still some unacceptable delays in publication.

We want to ensure the two aspects of the current system that have not been functioning well are kept closely under review, so that we have a better functioning system. As I set out earlier, we are committed to addressing

the apparent weaknesses in the current system of serious case reviews, including the poor quality of final reports and the length of time it takes to complete and publish reports. This guidance will help the panel to avoid the deficiencies in the current arrangements, but it will not undermine the panel's decision-making processes.

Stella Creasy: The Minister is talking about the length of time cases can take. Will he say a little more about how he thinks the clause will change that?

Edward Timpson: I am grateful to the hon. Lady for probing that point. The current panel does not have any direct power to force a publication to be completed within a period. So we are left in a situation where there is an attempt to nudge and cajole but ultimately no ability to sanction a specific end date for a report to be published.

There are circumstances in which not months but years go by before we get the learning out of a case. In some local areas, and now at national level, we may need to know much more quickly if we are to make sure that other children will not fall through the net as a consequence of similar basic practice failures that result from not publishing a report that shows where things went wrong.

The new process will permit a closer, robust way of preventing unnecessary delay in publication; clearly, we want the quality of reports to be maintained, but we want them to be produced in a timely way, so that lessons can be learned as soon as possible. I hope that that explanation reassures the Committee about the Government's intentions.

Stella Creasy: Forgive me, but it would be helpful if the Minister would clarify what he means by "closer" and "robust". He has made a powerful case and I think that we would all agree that the length of time taken can be a problem. I am not clear from what he said how he thinks it will be resolved—what the close and robust process will be. How will it be different?

Edward Timpson: First, it will be set out in the guidance that accompanies the Bill, so for the first time there will be a clear mechanism with a trigger for a report to be published by a certain date. That does not currently apply and at the moment there can be a drift, without any way to try to bring the process to an end.

The detail will be in the guidance. I am happy to provide the hon. Lady with a draft as we continue to develop it, but the underlying principle remains the same—to get a way of avoiding unnecessary delay in the publication of reports, so we can get the learning out there into the working environment as soon as possible. On that basis I ask the hon. Member for South Shields to withdraw the amendment.

Mrs Lewell-Buck: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 13 ordered to stand part of the Bill.

Clauses 14 and 15 ordered to stand part of the Bill.

The Chair: Does the Committee wish to continue?

The Lord Commissioner of Her Majesty's Treasury (Mr Robert Syms): Yes.

Clause 16

LOCAL ARRANGEMENTS FOR SAFEGUARDING AND PROMOTING WELFARE OF CHILDREN

Stella Creasy: I beg to move amendment 16, in clause 16, page 13, line 11, at end insert

“, including unaccompanied refugee children once placed in the area, and unaccompanied refugee children who have been identified for resettlement in the area.”

The Chair: With this it will be convenient to discuss amendment 17, in clause 22, page 17, line 5, at end insert—

“(3) Guidance given by the Secretary of State in connection with functions conferred by section 16E in relation to unaccompanied refugee children must be developed in accordance with the 1989 Convention on the Rights of the Child.”

Stella Creasy: It is a pleasure to serve under your chairmanship, Mrs Main. I am delighted that the Government Whip has decided that we should press ahead with clause 16 so early on, because the issue and the amendments deserve a thorough hearing. In the short time before, I suspect, the Minister will want to get his lunch, I want to pose what seems to me a central question.

We must all wonder why two young men—two 14-year-old boys—have this week attempted to kill themselves. They attempted it because of a promise made by this country that is yet to be fulfilled. That is a promise to young, unaccompanied asylum seekers, the child refugees whom we have all seen on our television screens in the past year. Those children are the victims of conflicts not of their own making, but now they are in limbo as a direct consequence of decisions made by the Government.

The amendments are about putting right the anomalies and making sure that we can be proud that when Britain stands up and says we will look after children, we will do it for every child, and treat every child equally. The 14-year-old boys who tried to kill themselves this week are from Afghanistan. They are both young men who have spent months in refugee camps in Europe. They both got on buses to go to child protection centres around Europe on the basis of a promise that we made in this House: we would put in place a process to treat those children fairly, and to treat their application for assistance from the UK fairly. Now, a month on, however, they find themselves with little hope—so little hope that death seemed a better option. The amendments are about how we deal with that.

Forgive me, but I do not know how many Government Members have been involved in child refugee issues, so I will set out how we got to the stage of two young men feeling so much despair that death seemed a better option than the limbo we left them in. I will explain why therefore the amendments have been tabled.

Over the past year, 90,000 child refugees have been estimated to be in Europe. The Dubs amendment, which most Members are familiar with, was about taking only 3,000 of those children here in Britain. To be clear, we

are not talking about Britain taking every single child refugee in Europe; we are talking only about doing our fair share, and doing it fairly.

Government Members might be aware of the Dublin children—children who have family here in the UK and therefore simply want to be reunited with someone who can look after them. After fleeing unimaginable horror in their home countries via various smuggling routes, they have ended up in places such as Calais. However, we are talking about the children who have no one. The Dubs children are those who have no one left, whether they are orphaned, or their families are in places to which they cannot return. They have no connection to anywhere else in Europe, and they have no one but us to ask for assistance. That figure of 3,000 was about those children with no one to help them.

Before we go to lunch, let me put it on the record that we have made progress in dealing with the issues over the past year, and the Government should be commended for that. About 750 children have now come to the United Kingdom through the transfer mechanism and following the concerns expressed in all parts of the House. The vast majority of those children, however, are Dublin children, children who legally under international conventions have the right to come here anyway.

The amendments that we will be debating this afternoon are about the Dubs children. Those two young boys who this week tried to kill themselves are Dubs children, children who should have a realistic expectation that we will act in their best interest to protect them. This afternoon's debate is about how we do the best interest test because—I have to tell Conservative MPs this—the Government are moving the goalposts.

On 8 November the Government published guidance that fundamentally undermined the earlier guidance and the commitment made on 1 November by the Minister who is present in the Committee to do what we all think is the right thing: to treat refugee children just as we would any other child—to safeguard them. That safeguarding process must extend to those in Europe whom we have identified as potential Dubs children.

The guidance published on 8 November fundamentally undermines that, because it sets out a restrictive test for the children. What is the test? It is a two-step process. First, the children must be of a particular nationality, either Sudanese or Syrian. Secondly, there is a test of age—they must be under 12, as though when they hit 13 they are suddenly no longer vulnerable. A third test is that they are at risk of sexual exploitation, although how to assess that is not clarified.

Many of the children who have now been left in limbo in France are clearly at risk of exploitation and sexual exploitation through their very vulnerability—because they are on their own and have nowhere else to go. Indeed, a third of those children have now absconded from the centres, because they feel no hope. They are back in makeshift camps in France, waiting to try to get to Britain.

Before the Calais camp was demolished, 40% of the children there were from Eritrea. Most of the children were not from Syria. That is because children are running from conflicts throughout the world. The amendment, therefore, and the issue that we have to deal with in the Bill, are not about Syria; they are about all children in the world who are victims of conflicts. What happens next to them?

The Chair: Order. The hon. Lady needs to stay on the subject of those children who have been identified for resettlement, rather than expanding to include all children around the world, which is outside the scope of the Bill.

Stella Creasy: Thank you, Mrs Main. I am sorry, but there appears to be a question of interpretation, because I was coming on to the amendment, which you can see is about children identified for resettlement and, as we know, those children have come from around the world to end up in Europe. The particular issue is about refugee children in Europe—I simply meant that they have come in and are not European children, but children from Eritrea, Ethiopia, Sudan, Afghanistan or elsewhere around the world who have ended up in Europe. I apologise if that was not clear, but I hope that clarifies why I was talking about children from around the world.

There has been a mistake in some of our debates over the past year that we are talking solely about what is happening in Syria—we are not. The crucial thing about how we treat children is that it is not their nationality that matters, but their vulnerability as children.

I suspect we are about to go to lunch. I do not know for sure, but I am looking at the Government Whip, who looks hungry and seems to be contemplating the issues.

Ordered. That the debate be now adjourned.—
(*Mr Syms.*)

1 pm

Adjourned till this day at Two o'clock.

