

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

Fourth Sitting

Thursday 15 December 2016

(Afternoon)

CONTENTS

CLAUSE 16 agreed to.
CLAUSES 17 to 31 agreed to.
CLAUSE 32 agreed to.
Motion to transfer clause 32 agreed to.
SCHEDULE 1 agreed to.
CLAUSE 33 agreed to.
SCHEDULE 2 agreed to.
CLAUSES 34 to 50 agreed to.
SCHEDULE 3 agreed to.
CLAUSES 51 to 57 agreed to.
Adjourned till Tuesday 10 January 2017 at twenty-five minutes past
Nine 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

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) | Farrah Bhatti, <i>Committee Clerk</i> |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | † attended the Committee |
| † 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) | |

Public Bill Committee

Thursday 15 December 2016

(Afternoon)

[MRS ANNE MAIN *in the Chair*]

Children and Social Work Bill [Lords]

Clause 16

LOCAL ARRANGEMENTS FOR SAFEGUARDING AND
PROMOTING WELFARE OF CHILDREN

Amendment moved (this day): 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.”.—
(*Stella Creasy.*)

2 pm

The Chair: I remind the Committee that with this we are discussing 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 (Walthamstow) (Lab/Co-op): I hope that everybody had an excellent lunch and was able to think about the question that I posed before lunch, which is at the heart of the amendments. How did we get to a place where two young men felt there was so little hope in the world that they would rather kill themselves than go on? The two young men are refugees from Afghanistan, who had been escaping the Taliban. Both of them had been victims of gangs, had ended up in Calais and had willingly got on buses to go to child protection centres around France, having been told through a leaflet that they were one step closer to getting to Britain.

The amendments speak to that question and reflect the Government’s statement of 1 November, which committed to safeguarding refugee children in Europe—not just those who end up on our shores. Many of us may have dealt with children who have arrived in Britain, perhaps through illegal routes. Today, we are talking about how the safeguarding legislation that the Government will bring in by 1 May will reflect that commitment to safe routes and address legally working with those young people.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Will the hon. Lady give way?

Stella Creasy: I will happily give way, because I was reading over lunch of the support and commitment of the hon. Gentleman when it comes to helping refugees. I am sure he is going to speak in support of the amendment.

Michael Tomlinson: The hon. Lady is wrong: I am not going to support the amendment. She mentioned the ministerial statement of 1 November. Before we adjourned for lunch, she was right to give credit to the Government for the steps that they have already taken. She was right to do that because the Government have taken great steps. Does she not take comfort from that ministerial statement? Does that not cover the points she is seeking to address?

Stella Creasy: I am glad that the hon. Gentleman is here this afternoon because I will explain exactly why I am concerned that the actions of the Home Office directly undermine that statement. Those of us who were involved in drafting the second Dubs amendment to ask the Government to extend safeguarding—as I think the hon. Gentleman is agreeing is the right thing to do for these young people—were very disappointed to see, not seven days later, guidance coming out from the Home Office that we consider directly undermines that commitment. I hope I can explain to the hon. Gentleman why. I hope I can also persuade him that, if—as he has said publicly—the situation in Syria challenges him, those concerns about young people should not be defined by nationality; they should be defined by need.

We are talking about the most vulnerable young people in our world. They have come, whether legally or illegally, to Europe in need of assistance. This is about how we, as Britain, play our part to help and support them. I would suggest to the hon. Gentleman—

Michael Tomlinson: And others.

Stella Creasy: Particularly the hon. Gentleman. I understand and agree with his statement that he was deeply challenged by the situation in Syria.

Michael Tomlinson: The hon. Lady is being very gracious in giving way to me twice in a matter of as many minutes. She will recognise that there is great compassion on both sides of the divide on this very point. She and her party do not hold the preserve of compassion, as she is recognising in her very generous and gracious speech. She can surely recognise the honest and honourable motives on this side of the House as well as on her side when it comes to this issue.

Stella Creasy: Perhaps the hon. Gentleman had left early to get ahead in the lunch queue so he did not hear me saying before lunch that I absolutely commend what has happened so far. The amendments simply reinforce that. I have not yet heard a good argument from the hon. Gentleman—I am hoping to hear one from him—on why he would not want to ensure that we treat all young refugees equally and fairly, which is what the amendment would do. Let me explain why.

I understand that the hon. Gentleman is concerned about the situation in Syria. Let me give him some testimony from a young man from Sudan, who said, when asked why he left Sudan:

“There is war in Sudan. Lots of my family have been killed over the years. My mother was killed when I was a baby. I have been running away from the Sudanese government since I was 7 years old...In Sudan, the government pay people to kill and rape innocent people so that it does not look like they are doing it.”

That young man ended up in the Calais refugee camp. There were an estimated 2,000 unaccompanied children in that camp by the end—the kind of children who the Dubs amendment, which had support across the House, was designed to cover. As I said earlier, this is not about Britain taking every single one of those children but about how we do our fair share and ensure that we treat all children equally when we commit to safeguarding them, as the Minister did in his statement on 1 November.

That young man ended up in Calais. He then went to a child refugee centre, on the basis that he was told he would be treated fairly and given the opportunity to come to Britain. He said:

“When I heard Calais will be destroyed, we were told so many different things from the UK and the French government. We were told that all the minors will go to England. But now we are scared we will be refused by the UK. I find this so strange as we are only 1000 minors. This is nothing for a country like England...If the UK government does not hear or understand well we are telling them now: we left our country because we are dying and now once again we are dying as we hope to make it to the UK.”

His story is not unique. There are stories of Oromo children from Ethiopia and children from Afghanistan being threatened with persecution. Yes, the situation in Syria is deeply troubling, but children are caught up in conflicts in many areas around the world. Those children are running, and many of them—90,000, as we heard earlier—have ended up in Europe. The question is: what do we do to help? How do we ensure that we treat those children fairly?

Amendments 16 and 17 are important, because last Friday the Government ended the fast-track transfer scheme for the children who were in the Calais “jungle”. Although that camp has been destroyed and the children evicted, the issue of what happens to them next has not gone away. Although 750 children have come to the UK, I am sorry to report to the hon. Member for Mid Dorset and North Poole that the majority of them are Dublin children—children who would have had the right to come here anyway.

The thing stopping us from helping those children, who have no one else in the world, is the guidance that says how we decide what is in their best interests. The problem that we have—

The Chair: Order. The hon. Lady is going somewhat beyond the scope of the Bill. Children who have not been identified are not within the scope of the Bill.

Stella Creasy: It would really help me if the Chair clarified where she thinks I have talked about children who have not been identified. I have just said specifically that we are talking about children who have been identified under section 67 of the Immigration Act 2016—children in the centres in France who are being assessed precisely for that purpose, which the guidance covers and the amendment deals with.

The Chair: The guidance that has been developed is not within the scope of the Bill.

Stella Creasy: The guidance that has been developed certainly speaks to section 67 of the Immigration Act 2016 for the children in Calais. Those are exactly the children identified in the safeguarding statement on 1 November and in the amendment, which deals with children who have been identified for resettlement. Those are

exactly the children we are talking about. I hope that clarifies for the Chair why I have been talking about that particular group and that guidance.

The Chair: As long as the hon. Lady focuses on the safeguarding of children within the area, that is fine.

Stella Creasy: To clarify, I am talking about amendments that deal specifically with children who are identified for resettlement. Those children are not necessarily in the UK, but they are within the scope of the Bill. Obviously, the Lords amendment was identified as being within the scope of the Bill. That was specifically about section 67 of the Immigration Act 2016. I just want to be reassured that—

The Chair: May I ask the hon. Lady to pause for a moment? The Lords have different rules governing the scope of Bills. The Bill is in this House, so as long as she is talking about those children who are identified for resettlement within the area—

Stella Creasy: Yes. I appreciate that we cannot have pieces of paper, but it might be useful for the Chair to look at the eligibility criteria, which explicitly say:

“General criteria for eligibility under section 67 of the Immigration Act 2016 for children in Calais”.

I am sure that the Minister would like to confirm that his 1 November statement was explicitly about children who had been identified for resettlement, and that includes these children. That is exactly why I am concerned about those criteria; I believe they actually undermine the commitment to safeguarding that the Minister made on 1 November and is the subject of the Bill. I do not know whether the Minister would like to clarify that so the Chair is satisfied. We are talking about children who have been identified in France. I will happily give way to him, because the Chair seems concerned about this matter—*[Interruption.]* I will take that as assent.

The Minister for Vulnerable Children and Families (Edward Timpson): No, it is not. I have not said anything—

The Chair: Order. This is a slightly combative approach. The hon. Lady has done this a lot. May I gently remind her that the Minister did not wish to take her up on that invitation? It is not for her to interpret the Minister’s response.

Stella Creasy: Thank you. I apologise if you think I am being combative, Mrs Main. I am a little confused as to why there is a concern, given that we are talking explicitly about legislation and guidance that refers directly to that legislation. I want to ensure that everyone is clear. Obviously, if the amendments had been ruled out of order, we would not be debating them. I am concerned that there is confusion about what children we are referring to. This guidance is specifically about those young children.

The Chair: The amendments are totally within order; we would not be debating them if they were not. Some of the hon. Lady’s comments, however, seem to be straying without the scope of the Bill. I am taking guidance on this matter. It is important that we get the

[The Chair]

Bill right, including the amendments. I wish her to keep her remarks, which are very important to this debate, on track.

Stella Creasy: Thank you. That is very helpful. I wonder whether it is also helpful for me to clarify that in the Minister's statement on 1 November, he makes explicit reference to evaluating procedures for transferring children who would be eligible for safeguarding. He also talks explicitly about children identified for resettlement, which is reflected in the amendment. I hoped the Minister would clarify that, but perhaps that helps. People may wish to google the statement made on 1 November. I am concerned because the eligibility criteria appear to undermine the will and intent set out in that statement. I am also concerned about the reason why the second Dubs amendment, which we might have been debating today, was withdrawn from this legislation.

The statement was set out for France. We are concerned that a further statement may be put out for Greece and Italy, where there are also children. I can report to the Committee that there have been no Dubs transfers, as yet, of children from Greece and Italy, although hundreds of children have been identified as potentially eligible for that. The two-step process for France sets out a series of tests around nationality, age and high risk of sexual exploitation. It then sets a secondary test about the best interests of the children. The amendments would flip that test around, to recognise that we should always act in the best interests of all children for whom we take responsibility. There is a challenge, given the Government's clear statement that they would take responsibility for these children.

We may well have safeguarding duties for the third of children whom the Refugee Youth Service were tracking from these centres in France who have now gone missing. As yet, we have not taken on those duties. For example, one of the groups of children excluded by the current criteria are Eritrean children. Some 87% of appeals for refugee status by Eritrean people are successful, so it is well recognised that there is a high level of persecution within Eritrea. However, as the guidance stands, those children would not be considered for transfer to the UK under the Dubs amendment. These are children who have nobody else in the world, who are fleeing persecution and whom we have said we would identify and consider for resettlement, but we are judging them on the basis of their nationality, not their need.

The concern for all of us is that there are many of these children in Greece and Italy. The Government have not yet published guidance for Greece and Italy, but if we are to be consistent in how we treat children, it is important we are consistent in putting their best interests first. That is the intention behind the amendments, and it is surely not controversial across the House.

Amendment 16 would specifically identify the children we, as a country, are assessing for assistance under the Dubs provision, which got support from across the House. Amendment 17 states that we should apply the UN convention on the rights of the child to that process. The UN convention is incredibly clear that we should not discriminate against a child on the basis of their nationality, religion or age. The eligibility criteria therefore conflict with the UN convention.

The Government said they would have regard to the UN convention in future legislation. Indeed, the European Court of Human Rights has said that the Government should place in this Bill a duty on all public authorities to have regard to the convention on the rights of the child. The amendments simply seek to ensure we act in accordance with best practice in how we treat all children.

I hope that when Government Members look at the amendments in that context—we are saying, "Actually, we shouldn't discriminate among the children we have agreed we have a safeguarding responsibility for. We should treat them all in terms of their best interest"—they will see that they are needed because the guidance that has been issued could undermine that. That could leave this country open to legal challenge, and it could mean that we are creating a second-class group of looked-after children—i.e. refugee children—because we are treating them differently within our system.

2.15 pm

I hope that the Minister will rethink his opposition to the amendments—I admit I am pre-empting his opinion; I am basing that on the comments of the hon. Member for North Dorset. I hope the Minister will understand why we have raised that concern. It is important that we are consistent in how we do safeguarding as a country. When we identify children who are at risk and need to be safeguarded, we should treat them in the same way as we treat all children.

If Government Members vote against the amendments, they are essentially saying that they do not think that the UN convention on the rights of the child should be part of our safeguarding process. The way the amendments are worded ensures that that framework underpins how we treat all safeguarding in this country, whether it is done in this country or on behalf of this country for children who will come here. I hope that Government Members reflect on that and do not vote against making the UN convention on the rights of the child the framework by which to judge what is in the best interests of children, rather than their nationality or age. That is how we ended up with two children in France right now thinking that life is not worth living. We as a country made a promise to treat them fairly and equally. The UN convention on the rights of the child is the best framework for ensuring that we act in accordance with our obligations.

That is the spirit of the Kindertransport. When we look at the contribution that Lord Dubs—a Kindertransport child—has made to our country and the work he has done not just on this issue but throughout the House, we can really see what is at stake here. There has always been widespread support across the country for taking refugees. Whether in St Albans, Poole, Crewe or my own community in Walthamstow, there have always been people who have stood up and said, "Britain is better when we recognise what is at stake here." A great inventor of the next energy source or the cure for cancer could right now be a child fleeing persecution. We as a country are better when we treat those children as we treat our own—[Interruption.] I am sad to hear the hon. Member for Lewes suggest from a sedentary position that that is outrageous.

Maria Caulfield (Lewes) (Con): I absolutely disagree with the hon. Lady. A huge amount of cross-party work has been done to ensure that child refugees—not just

from Calais, but from places across the world, including Syria—can come to the UK. I have been working with my local refugee group, the Lewes Group in Support of Refugees and Asylum Seekers, to welcome refugees, to ensure that the process happens quickly and to support our local authority. It is absolutely outrageous to make such statements.

The Chair: Before the hon. Member for Walthamstow resumes her remarks—it sounds like she may be coming to a close—let me say that we are not having a general debate about refugees. I ask that she goes back to talking about her amendment and any other questions she would like the Minister to answer.

Stella Creasy: I am genuinely sorry that the hon. Lady thinks it is outrageous to suggest that we need to get this right and see the potential of those children—*[Interruption.]* I genuinely have not accused her. I am asking whether she wants the UN convention on the rights of the child to be the framework by which safeguarding is undertaken in this country for all children, including those who are at the moment in France, Greece or Italy and have been identified as possible candidates for the Dubs amendment. She is right that there was cross-party agreement. I am surprised that there is not cross-party agreement on this, frankly. The statement on 8 November seemed to go against that.

I am sorry that it seems to be controversial to want the UN convention on the rights of the child to be the framework by which we treat safeguarding. The Minister said on Second Reading that he would go away and look at the guidance to see whether it stood against his statement on safeguarding. I hope he will explain why the Home Office issued guidance that appears to undermine the Government's safeguarding commitment. If he does not support these amendments, how is he going to guarantee that every child that the UK considers for safeguarding is treated equally? What else, if not the UN convention on the rights of the child, should guide us? I will happily finish now to hear what the Minister has to say. I hope that Government Members will understand that this is about our passion to get this right; it is not a party political point.

Tulip Siddiq (Hampstead and Kilburn) (Lab): I support the amendment and want to make a plea to Conservative Members to support it. It is important for the values that we uphold in the House. I thank my hon. Friend the Member for Walthamstow for making such a passionate plea, and eloquently describing the plight of children who flee from violent homes to a land where they hope for a safe, secure home, and then find that they are no closer to home.

I have three questions for the Minister. Is he aware that the children who come to the camps are now at a 46% higher risk of being smuggled and of sexual exploitation than they were last year? Is he aware that the British Association of Social Workers has pointed out an inbuilt 50% shortfall in current funding on full cost recovery for services to unaccompanied asylum-seeking children—the children to whom the amendment relates?

Finally, the British Association of Social Workers also has concerns in relation to the Government's support for the original Dubs amendment, which has been mentioned many times: only a tiny proportion of the children in mainland Europe have arrived in the UK.

I make a plea to Conservative Members: if we are honest about what we want to achieve in the House and we want to protect the most vulnerable, we must make sure we provide support for them. Of course we want to provide support for all children, but those to whom the amendment relates are at the bottom of the ranks.

I ask the Government and Conservative Members to show their support. The point is not a party political one; it is about what we uphold in the House, in an era when the children in question are demonised in the press, when we talk about checking their teeth to find out how old they really are, and there is open hostility to them. It is our duty to support an amendment that will give them some comfort and show that someone in the world is looking out for them.

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to support the amendment. Amendments 16 and 17 will ensure that safeguarding partners safeguard and promote the welfare of unaccompanied refugee children, and that any guidance given by the Secretary of State must be developed in accordance with the United Nations convention on the rights of the child. They will help to protect the rights of some of the most vulnerable and unprotected children.

Every child, whatever their circumstances and background, deserves the support that they need to get a good start in life, and to succeed in their education and in life. I am sure that the Minister agrees, in view of the corporate parenting principles in the Bill. However, we have too often failed in that obligation to unaccompanied refugee children, as my hon. Friend the Member for Walthamstow outlined.

Unaccompanied refugee children are perhaps the most vulnerable young people in society. They have fled humanitarian disasters, wars, and horrors that none of us could begin to imagine. If they arrive in this country we have a moral duty to ensure that they receive the support they need; otherwise there is a risk that they will fall through the cracks and face a danger of being exploited. They have fled from terrible things and we must do all that we can to ensure that they get a better life here. That is no less than any of us would want for a child of our own. By ensuring that safeguarding partners have regard to unaccompanied refugee children, amendment 16 will go some way to ensuring that we rise to our moral duty. I am honoured to support my hon. Friend the Member for Walthamstow.

I hope that the Minister and his colleagues will lend their support to amendment 17. After all, I cannot imagine that they would object to any of the rights set out in the convention on the rights of the child. If they will not support the amendment, perhaps they will explain which of those rights they believe should not be extended to every child in the country.

I gently remind the Minister that the UN Committee on the Rights of the Child published its findings on the Government's compliance this year, and they are failing in many areas. Accepting the amendments would go some way towards repairing that terrible record.

Edward Timpson: I am grateful to hon. Members for the amendments, which I recognise seek to ensure the best interests of this very vulnerable group of children, and I assure the Committee that I appreciate the good will and passion that sits behind them.

[Edward Timpson]

I turn first to amendment 16. Under section 16E of the Children Act 2004, which will be inserted by clause 16, safeguarding partners will be required to make arrangements for themselves and any relevant agencies that they consider appropriate to work together for the purpose of safeguarding and promoting the welfare of all children in the local area. I assure hon. Members that, when making those arrangements, safeguarding partners will be required to take account of the needs of unaccompanied refugee children. That will be the case even in areas where the numbers of such children are small.

In addition, we have also announced our plans to publish a safeguarding strategy for that particular group of children by 1 May 2017, as called for by Lord Dubs in the other place. The Government strategy will seek to ensure the utmost protection for unaccompanied, asylum-seeking and refugee children in this country, as well as those who are being transferred here from Europe, whether they are reunited with family members or become looked after by a local authority.

As part of the strategy, we will set out plans to increase foster care capacity for those looked after children, and will consider what further action can be taken to prevent them from going missing. We will also review what information is communicated to those children about their rights and entitlements; revise statutory guidance for local authorities on how to support and care for them; and regularly review the level of funding provided to local authorities for the care and support of unaccompanied asylum-seeking children. As this point was raised earlier in the debate, let me say that local authorities were asked to submit their costs of caring for that group. Current funding is higher than 50% of local authorities' costs, and we will keep that under review to ensure that their needs are being met. Those commitments are already being progressed in consultation with others, including local authorities and non-governmental organisations.

The safeguarding responsibility for those children who have been identified for transfer but are yet to arrive lies with the member state where the children currently reside, not the local authority in which they will ultimately reside. We have supported the French in their efforts to move all children from the Calais camp to safe alternative accommodation across France. While they remain in France, their welfare and safety is a matter for the French authorities.

Since the Home Secretary's statement to Parliament in October, when the French operation to clear the Calais camp started, teams of specialist staff have been working in France, in close liaison with the French authorities, to ensure that children eligible to come to the UK continue to be transferred as quickly as possible. We continue to work in partnership with the French authorities to transfer children to the UK with close family here—who qualify under the Dublin regulation—and those children who meet the criteria of section 67 of the Immigration Act 2016. To date, around 200 children have been brought to this country under such arrangements. I can tell the hon. Member for Walthamstow that more eligible children will be transferred from Europe, in line with the terms of the Immigration Act, and we will continue to meet our obligations under Dublin II.

We will announce the number of children to be transferred to the UK under the terms of the Immigration Act in due course.

I think it is worth making it explicit to the Committee that the guidance of 8 November applies only to the Calais operation, which is now complete, but that the Dubs process has not ended. More eligible children will be transferred, and I know the Home Office will make a further announcement on how that process will take place. I will undertake to make sure that all of the points raised by the hon. Member for Walthamstow in this debate and on Second Reading are made clear to the Home Office and the Ministers there, so that they are fully aware of those issues as they develop the next iteration of that process. The hon. Lady has undertaken stoic work in trying to make sure that all of those points are understood.

On amendment 17, the Government are committed to children's rights, and we are determined to safeguard and promote the welfare of all children—including unaccompanied refugee children. We are equally committed to giving due consideration to the United Nations convention on the rights of the child when making new policies and legislation, and when developing guidance for local agencies. In fact, another written ministerial statement that I laid before Parliament—I have had a habit of creating them in recent weeks—set out our commitment to do so right across Government, making sure that every Department is playing its part. I know that the permanent secretary in my Department is speaking with his counterparts in every other Department to ensure that that is followed through within the civil service.

One of the commitments in our safeguarding strategy will be to publish a revised version of the statutory guidance for local authorities on the care of unaccompanied and trafficked children. The guidance we have is good, but it needs updating to reflect the new circumstances that we find ourselves in as well as the diverse nature of the group of children that we are talking about to ensure that local authorities are aware of the duties they must undertake to support and promote the best interests of these children.

2.30 pm

The focus of the amendment is confined to unaccompanied refugee children, but in fact in this country we make no distinction between their rights and the rights of all children. Our statutory guidance, "Working together to safeguard children," was developed in the light of the UNCRC articles and applies to all children whatever their status. It also applies to all those who work with children, not just the safeguarding partners and relevant agencies referred to in proposed new section 16F. We will revise "Working together" next year to reflect the changes brought about by the Bill.

Simon Hoare (North Dorset) (Con): Does my hon. Friend not think that, notwithstanding what the hon. Member for Walthamstow said, it is better for the rules, regulations and requirements to be effectively "colour blind" rather than to segregate and segment our children on where they have come from and their circumstances? That, rather than segmentation and being siloed, is much more likely to lead to a comprehensive and cohesive approach.

Edward Timpson: I am grateful to my hon. Friend for his support for the approach we have taken. There is some commonality that goes back to the heart of many of the debates we have had during the passage of the Bill. Irrespective of which side of the House we are on, there is a clear desire to see a system—whether a safeguarding system or a health system—based on need. If we can get that right and not try to differentiate on children or children’s rights but work to strengthen those rights further and reflect them through the UNCRC, we should do that to underpin those principles in the work we carry out.

I am happy to reiterate the commitment that Lord Nash made in the other place: we will ensure that the review of “Working together” looks again at the underpinning principles and how they can be further strengthened to reflect children’s rights as reflected in the UNCRC. We believe that the forthcoming safeguarding strategy for unaccompanied and refugee children and the robust safeguarding arrangements proposed in the Bill for all children are the best approach to safeguarding and promoting the welfare of these vulnerable children.

These are difficult issues, and everyone is working hard to try to do the best that they can for these children, who are extremely exposed and vulnerable. There are often heartbreaking situations that we wish we could do all we were able to do to prevent, but we think we have a good, strong system in place, and we will keep that under close review. The hon. Lady has heard from me today that the Home Office is considering how we move on to the next stage, post-Calais, to ensure that we capture the children who have a genuine refugee status recognised through the international convention, concentrating our efforts on helping them to seek refuge in the UK.

Stella Creasy: I agree with the Minister; I think there is common ground. However, the case he is making is for the guidance that the Home Office has issued to date not to be compatible with the principles he is setting out. Does he think it is right to put nationality or age ahead of need, as that guidance does? If he does not, we need to understand what he will do to protect children in Europe who we have identified for resettlement from such discrimination in future.

Edward Timpson: I would say two things. On a factual point, the guidance that has been the subject of discussion is, as I said, in relation to Calais only. Therefore, as regards where we go on the further decisions to be made for children who have come to the UK under refugee status, it is no longer valid. There is however still a point at which the current guidance is relevant, which is in how it is constructed. We can only base decisions on which children to bring over if they meet the definition of a refugee set out by the 1951 refugee convention. We cannot bring over children who do not have that status because they will not qualify for local authority support or accommodation. They must have a realistic prospect of meeting that definition.

Our criteria are intended to ensure that we focus on the most vulnerable, by virtue of age or because they are assessed as at high risk of sexual exploitation, and the youngest of the children most likely to qualify for refugee status. We are considering those nationalities with an initial asylum grant rate of 75% or higher in the

year ending June 2016. We have said we will focus on those nationalities most likely to qualify for refugee status in the UK.

If they do not have refugee status, they will not be able to come to the UK and receive the support that we all want to give them. That criterion is not in conflict with the best-interest criterion. The criterion is designed to identify refugee children and bring them here where it is in their best interest.

It is not in their best interest to come to the UK if there is no local authority place or if they are returned at 18 as they do not meet the criteria to be a refugee. We have to set some criteria that reflect that situation, which is actually defined by international law, and we believe we have that balance right.

Stella Creasy: The guidance is explicit about a first preliminary stage that excludes on the basis of nationality, ahead of the best-interest assessment. That is not what the Minister is saying, but the guidance is explicit. That is why Eritrean children, for whom 87% of appeals for refugee status are successful, are explicitly cut out by this guidance. Does the Minister believe that that accords with the conventions that he wants to apply to safeguarding? It is a two-step process and the first step excludes children who would qualify under the second step.

Edward Timpson: I did fear at the beginning of this debate that, although we would have some agreement, there would ultimately be disagreement because the Government’s position is clearly set out in the guidance and the safeguarding strategy. Focusing on those most likely to qualify for refugee status is not just the UK’s approach. It reflects the approach taken across Europe, for example, under the EU’s relocation programme to transfer asylum seekers from Greece and Italy to other European countries. It is right to give priority to those likely to qualify for refugee status, as well as the most vulnerable, regardless of their nationality.

The hon. Lady mentioned Eritrea. Without straying too far from the clause and the amendment, we look across the world and see all sorts of war-torn areas and countries going through instability and devastation and we need to ensure that we do what we can to respond. However, we have to look at those countries with a greater likelihood of eligibility for refugee status. The truth is that Sudanese and Syrian refugees are more likely to be eligible than those from other countries. We must have a system in place to provide identification to ensure that we have refugee status clearly defined. We will have a greater prospect of ensuring that they meet the criteria and, therefore, that we will be able to help them in this country.

As I said, we have moved on from the Calais operation. We still have our commitments under the Dubs amendment and we will continue to work hard to identify those children who are the most vulnerable and who also qualify under the internationally recognised definition of a refugee. I know that it is hard; these are not easy decisions. We must do all we can to bring about the best possible outcome for those children but we must also be realistic about how we define that in a way that makes it practically possible for us to help them and ensure they do not fall foul of the law and end up not getting the support that they need. On that basis, I hope hon. Members are sufficiently reassured to withdraw the amendment.

Stella Creasy: I thank the Minister for his comments but he is on, if he is honest, what he might call a sticky wicket. He might have moved on from Calais but those kids have not. There are 1,000 children in centres around France who got on buses from Calais on the promise that they would be treated fairly by the British authorities, and that when they were assessed by the Home Office to be identified for resettlement in the UK they would be treated fairly. The Minister has just had to justify a system that is not fair, that sees not the child's needs but their nationality, that discriminates against a group with a high prospect of refugee status—Eritrean children—and that leads to 14-year-old Afghan boys thinking their only hope is to kill themselves or to get here illegally, on the back of a lorry. We are back to square one with this guidance.

I sense in what the Minister said that we might see different guidance for Italy and Greece. I very much hope so, but words mean nothing if they are not backed up by actions. I will press the amendment to a vote, because I want to see Government Members voting against putting the UN convention on the rights of the child at the heart of our safeguarding process; I want to see that commitment.

Maria Caulfield (Lewes) (Con) *indicated assent.*

Edward Timpson: The hon. Member for Lewes shakes her head. Perhaps she needs to explain to people why she does not think young Eritrean people are worthy of that kind of protection. The problem with what the Minister says is that there are 1,000 children facing a very uncertain future in France right now, and we have a responsibility. We made that commitment to them.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 9]

AYES

Creasy, Stella
Debonnaire, Thangam
Green, Kate

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

NOES

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

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

Question accordingly negated.

Steve McCabe (Birmingham, Selly Oak) (Lab): On a point of order, Mrs Main. I want to raise very briefly one additional point about clause 16 that is not related to child refugees.

The Chair: We are about to consider it. The hon. Gentleman may make his remarks in the clause stand part debate.

Mr Robert Syms (Poole) (Con): We want to hear them.

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

Steve McCabe: It is always great when someone clarifies the situation. I am grateful, Mrs Main.

I notice that clause 16 specifies the partners for the local safeguarding arrangements as being the local authority, the police and the clinical commissioning group. Will the Minister briefly say why the clause limits it to those partners? Did he consider a role for education? If so, why did he decide not to pursue that? I realise that the partners are entitled to bring in other people they regard as appropriate, but I wonder what the reasoning is for limiting the specified partners to the local authority, the police and the clinical commissioning group.

Edward Timpson: I am happy to clarify that. The hon. Gentleman is right to say that the list is not limited to those three core members, as the legislation allows for other agencies to be involved in those arrangements.

As I said earlier, we asked Alan Wood to do an independent review of local safeguarding arrangements, and his recommendation was that three core agencies—the police, the local authority and the clinical commissioning group, on behalf of the health service—needed to be at the centre of that body and that decision-making process, as they envelope a large proportion of the contact children have with safeguarding services.

The hon. Gentleman is right to say that the education arena has clear reasons to be involved in those arrangements. I would be surprised if it was not, bearing in mind the role it has through “Keeping children safe in education” guidance and needing to have a safeguarding officer within schools. The education arena needs to be involved and subsumed into wider safeguarding discussions, to ensure the overall strategy is effective. However, the main reason for giving those three core agencies statutory responsibility for safeguarding in their local area is that we accepted the recommendation and rationale from Alan Wood.

Question put and agreed to.

Clause 16 accordingly ordered to stand part of the Bill.

Clause 17

LOCAL CHILD SAFEGUARDING PRACTICE REVIEWS

2.45 pm

Mrs Lewell-Buck: I beg to move amendment 40, in clause 17, page 14, line 12, leave out subsection (6).

This amendment would remove the role of the Secretary of State in determining certain arrangements for the working practices of safeguarding partners, ensuring that they remain locally accountable.

The spirit of the amendment is much the same as that of previous amendments concerning the child safeguarding practice review panel. It relates to unacceptable levels of involvement by the Secretary of State, this time in local child safeguarding reviews. Improvements in local safeguarding reviews are much needed.

There is huge variability in the quality and usefulness of serious case reviews, and there are questions about the suitability of board members and their closeness to those who might have a role in a serious case being scrutinised. However, the fact remains that a top-down approach whereby the Secretary of State advises each local authority—familiarity with which he or she cannot possibly be expected to have—about the criteria being taken into account, the choice of reviewers and, in particular, the content of the review cannot be either wise or a productive use of the DFE's time or the local board's time.

If serious case reviews are to have the desired effect of improving practice and procedure in response to tragedies, it is crucial that the review be locally accountable and locally owned. The purpose should be for those involved to reflect on possible mistakes and propose ways in which they can improve. Will the Minister explain why the Government feel there is a need for the Secretary of State to have such heavy involvement in these issues?

Edward Timpson: Once again, I am grateful to the hon. Lady for the amendment. Clause 17 sets out the requirement on safeguarding partners for a local authority area to identify and, where appropriate, carry out local child safeguarding practice reviews. Subsection (6) of proposed section 16F of the Children Act 2004, inserted by clause 17, sets out a list of provisions on which the Secretary of State may make regulations in order to assist local safeguarding partners to identify appropriate cases and carry out reviews where they consider appropriate, as set out in subsection (1).

It is important that the Secretary of State has the power to make regulations to help safeguarding partners in the process of local reviews. Subsection (6)(a) will enable the setting of criteria to be taken into account by the safeguarding partners in determining which cases raise issues of importance in relation to the area. That will not remove or reduce the local accountability of the safeguarding partners to make decisions. It will promote a more even and balanced consideration of the issues across the country, so that we get consistency.

The safeguarding partners will be responsible for appointing the reviewer for each review they commission. They will also be responsible for removing the reviewer if need be. Subsection (6)(b) will enable the regulations to provide for reviewers to be appointed from a list provided by the Secretary of State.

Mrs Lewell-Buck: Can the Secretary of State then override the local decisions?

Edward Timpson: No.

If such a list was provided, safeguarding partners would still be accountable for decisions taken on whom to appoint, taking into account the experience of the reviewer concerned and their independence from the local area, among other factors. The aim of a list will be to improve the overall quality of reviews, given that many have acknowledged that as being deficient in the current serious case review system, as have Members on both sides of the Committee today.

Subsection (6)(c) allows for regulations to specify when a report should be provided to the Secretary of State or the child safeguarding practice review panel and published. In receiving copies of all local reviews, the panel would be in an ideal position to review both the quality and timeliness of reports and the learning that emerges from them. Regulations would enable timescales to be set for that process.

Subsection (6)(d) refers to the procedure for a review, which may include the establishment of terms of reference. Finally, subsection (6)(e) allows regulations to make provision about the form and content of the reports. It should be noted that such provisions would not be unduly prescriptive as they would be entirely about promoting the overall quality of reviews.

I want to reassure hon. Members that, in making regulations, we will consult on their content widely before bringing them before Parliament, which will give the hon. Lady an opportunity to scrutinise them in more detail. Indeed, we have already begun to talk to a range of interested parties about some of these important issues. I hope that, with those clarifications, the hon. Lady feels able to withdraw her amendment.

Mrs Lewell-Buck: I do feel able, thank you, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 17 ordered to stand part of the Bill.

Clauses 18 to 21 ordered to stand part of the Bill.

Clause 22

GUIDANCE BY SECRETARY OF STATE

Amendment proposed: 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.*)

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 10]

AYES

Creasy, Stella
Debbonaire, Thangam
Green, Kate

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

NOES

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

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

Question accordingly negated.

Clause 22 ordered to stand part of the Bill.

Clauses 23 to 30 ordered to stand part of the Bill.

Clause 31

PRE-EMPLOYMENT PROTECTION OF WHISTLE-BLOWERS

Mrs Lewell-Buck: I beg to move amendment 39, in clause 31, page 20, leave out line 4.

This amendment would retain reference to the Health Service in the Employment Rights Act 1996.

This brief amendment would retain reference to the health service in the Employment Rights Act 1996. Social workers and others in the sector have been pleased to see that whistleblowing arrangements have been included in the Bill, but we query why child protection and other children’s social workers employed by the health service have been omitted from the whistleblowing provisions, given how many there are. Why are children’s social workers employed in hospitals and other areas omitted? It would be a shame, especially in the wake of what we

[Mrs Lewell-Buck]

know of institutional abuse in certain hospitals, if such employees were not accorded the same whistleblower protections as their peers employed privately or by local authorities.

Marion Fellows (Motherwell and Wishaw) (SNP): I apologise for my earlier error, Mrs Main.

The Scottish Government acknowledge and respect the need for whistleblowing and believe that procedures should be in place across the public and private sectors to support staff in raising any concerns in order to ensure that people can work in a safe and secure environment. Without whistleblowers, serious concerns may take longer to be noticed and rectified. Any proposals that strengthen whistleblowing procedures and help protect employees and service users across the public sector are welcome.

Robust whistleblowing procedures are in place across Scotland, including in our NHS, but the Scottish Government and the SNP support further reforms to protect and embed an honest and open reporting culture in which all staff have the confidence to speak up without fear and in the knowledge that any genuine concern will be treated seriously and investigated properly. All children and young people have the right to be cared for and protected from harm. The amendment will help with that and we support it.

Edward Timpson: As we have heard, the clause provides the Secretary of State with the power to make regulations to prohibit relevant employers who carry out children's social care functions from discriminating against those applying for roles in the children's social care sector on the basis that it appears to the employer that the applicant has made a protected disclosure. This includes when the employer refuses the application or in some other way treats the applicant less favourably than it treats others for the same application. I am pleased that we were able to work so productively with Lord Wills in the other place over the summer to produce these important protections.

For the benefit of the hon. Member for South Shields, let me clarify that social workers employed in the NHS are already covered by the 2006 provisions and will be captured in the relevant regulations, with the consultation due in the new year. That is another consultation that I suspect she will want to keep a close eye on, and to which she might wish to contribute.

The Government are clear that those working with the most vulnerable must be able to report their concerns. They deserve effective protection when they make a protected disclosure. Workers with such concerns can already make a disclosure to their employer or the prescribed bodies for child protection and wellbeing social workers. We agreed with Lord Wills's proposals that, in addition, we should protect those seeking employment with specified bodies in roles relating to local authorities' children's social care functions. We are delighted to have worked with him to produce a suitable amendment.

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

Amendment, by leave, withdrawn.

Clause 31 ordered to stand part of the Bill.

Clause 32

CHAPTER 2: CONSEQUENTIAL AMENDMENTS

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

The Chair: With this it will be convenient to discuss Government motion to transfer clause 32 to the end of line 39 on page 19.

Edward Timpson: I will be brief. The clause introduces a second set of consequential changes to legislation contained in schedule 1 to the Bill and relating to the provisions in chapter 2. The motion to transfer is another administrative exercise to tidy up this chapter into three smaller chapters.

Question put and agreed to.

Clause 32 accordingly ordered to stand part of the Bill.

Ordered,

That clause 32 be transferred to the end of line 39 on page 19.—(*Edward Timpson.*)

The consequential amendments introduced by clause 32 are in Part 2 of Schedule 1. They replace or remove references to Local Safeguarding Children Boards (abolished by clause 30). Transferring clause 32 would enable it to appear in the new Chapter relating to the safeguarding of children (see the explanatory statement for the motion to transfer clause 11).

Schedule 1 agreed to.

Clause 33

SOCIAL WORK ENGLAND

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

Mrs Lewell-Buck: Regulation clauses in part 2 of the Bill deal with the establishment of a new regulator for both children's and adults' social work across all specialisms. It will be called Social Work England. The Department for Education and the Department of Health, without any prior consultation or dialogue with the social work profession, propose to end regulation by the Health and Social Care Professionals Council and to replace it with an inevitably much more costly bespoke regulatory system.

In recent years there has been a lot of flux in relation to social work regulation. There was the General Social Care Council, the college and then the Health and Care Professionals Council, and now we will have Social Work England. I hope that the Minister will confirm that this ever-changing landscape is going to cease and that we will not be debating another regulator in another year or so, because all that this change does is create constant disruption in the profession.

3 pm

I profess to being relieved to be speaking to this clause without having to battle against the Government on their initial proposal that the new regulator be established as an executive agency of the Department for Education. The fact that that was proposed at all is disgraceful. State-run regulation is something that none of us ever wants to see. Indeed, a survey by Unison in

August found that around 90% of social workers thought the profession should be regulated by an independent body and not by Government. I congratulate the noble Lord Watson and Lord Warner for their tireless work on this section of the Bill in the other place. They were successful in getting a number of concessions on the regulator to make it independent from Government.

Although I am pleased that I do not have to stand here and talk about a state-run regulator, it is worth reflecting for a moment on what the Government were planning to do, because it indicates their true feelings towards the profession. This would have had a hugely negative impact on the extent to which social workers feel ownership of improvement initiatives, and it would have stifled the development of the profession—*[Interruption.]* I will shorten my comments.

The Chair: What might have been done is somewhat off what is being done.

Mrs Lewell-Buck: I appreciate that.

Even with the amendments to the clause, the original proposition was outrageous. It has left a bad taste in the mouths of many in the sector, and distrust and scepticism behind the whole idea of the new regulator. What assurances can the Minister give that will ensure that social work regulation has the appropriate autonomy and distance from prevailing Government policy, and that it focuses on public protection, which is the proper priority of regulation? Will he tell us why social work is always treated differently from other health and social care professions?

Regulation of all professions should focus on assuring fitness to practise and public protection. All other professions are regulated to ensure consistent and safe practice. That arrangement provides continuity through the changes that inevitably come from successive policy developments under different Governments. Given that there is little cross-party consensus on children's social care policy at the moment, and that subsequent Governments could take a different path, this is particularly worrying.

Although the amended proposals for a non-departmental public body regulatory body suggest more independence than was first proposed, a NDPB can mean a wide range of governance and independence options. We are challenging the detail of current proposals that intend for the Government to directly appoint the leadership of the organisation. We expect that the key roles of chair and chief executive officer, as well as the board, will be appointed without political control of process and decision making. Current Government proposals mean that the Secretary of State for Education controls those appointments.

It would be better for regulatory standards to be set out through a profession-led process. The British Association of Social Workers and its partners should drive that; BASW has always supported and campaigned for regulation to ensure high standards and to protect the public. If independence from Government control is not instituted in these new arrangements, that will detract from the profession developing its own standards and setting capabilities and a culture of responsibility for excellence at every single level.

We are also concerned that the proposals risk fostering resistance to regulation and might lead to social workers choosing to deregister if a new regulator focuses on delivering current Government policy and sets requirements for registration that inappropriately narrow down the options for how social workers can demonstrate their fitness to practise. That risk is exacerbated by the probability of significantly increased fees for social workers from an expensive and bespoke regulator. There has recently been a decline in the number of social workers being trained. There is a further risk of decline with proposed changes to training bursaries disincentivising good candidates from the profession. Problems in retention persist. The profession and our public services cannot withstand the further risk of a drain of talent and capacity from the registered workforce. I hope that the Minister understands that and will sum it up in his comments.

Edward Timpson: Clause 33 underpins our ambition to improve the practice of social work and raise the status of the profession. It establishes a new body corporate, Social Work England, which will be a new, bespoke regulator for this vital and unique profession.

First, I will set out the case and motivation for reform. In many ways, the easiest thing would be to do nothing and not prioritise social work as a key plank of the Government's efforts to transform children's social care. I think we all agree that high-quality social work can transform lives and that social workers play a critical role in our society. They deliver a range of vital services, from safeguarding the most vulnerable to supporting those with complex needs to live life to the full. Every day, social workers deal with complex and fraught situations that require a great depth of skill, knowledge, understanding and empathy. When social workers are not able to fulfil their role competently the consequences can be catastrophic, which is why the Government have developed a significant reform programme to improve the quality of social work and of the systems that support social workers. That includes investing £750 million since 2010 in supporting both traditional and fast-track routes into the profession and investing £100 million to date in the children's social care innovation programme, so that local authorities and others can evidence how to reform services and practice to be more effective.

More is needed. To underpin the reforms, social work needs a regulatory system that meets the needs of this unique profession. Such a regulatory system will help to improve public safety and promote the status and standing of social work. The need for an improved system of regulation for the social work profession in England has been highlighted in recent independent reviews.

The hon. Lady asked why the social work profession should have a different regulator from the health profession. The approach of the current regulator, the Health and Care Professions Council, is designed to maintain minimum standards of public safety and initial education across a range of professions, rather than to drive up standards in any one profession. Driving up standards is vital for a profession in which the safety of our most vulnerable people is inextricably linked to the highest standards of practice. I would argue also that social work is a distinct and highly skilled profession and that its practitioners manage complex risks and work with vulnerable children

[*Edward Timpson*]

and adults on a daily basis. A new specialist regulator for social work reflects that reality and will be able to focus on the unique nature of social work practice and on the education and training needed to support it in a way that is, unfortunately, not currently possible.

Clause 33 provides for the establishment of a new regulator for the social work profession in England. It makes it clear that our intention is to set up a regulator that is a separate legal entity at arm's length from Government. It is important to maintain appropriate distance between the new regulator and Government, and I make it clear that it has never been our intention to give Government the power to make decisions about the fitness to practise of individual social workers.

The clause also introduces schedule 2, which sets out the new body's governance and accountability arrangements. We may want to discuss that in more detail later, but our ambition in establishing a new bespoke, independent regulator for social work is to continue improving the practice of social work and raising the status of the profession.

Steve McCabe: I thought it might be better to intervene now rather than take up time later. On the financing of the regulator, the Minister will be familiar with the experience of the College of Social Work, for which the start-up cost included about £5 million of Government money. The college only ever reached half its anticipated registration figure, and it eventually had to close because it did not have sufficient funds to continue.

I have three specific questions. First, is the Minister confident that the regulator will be financially self-sustaining without the cost being prohibitive enough to cause a problem with registration? Secondly, will individuals have to register as individuals, or will it be possible for an employer or local authority to register them? That happened under the College of Social Work, but of course that was part of its undoing. Finally, the regulator appears to be taking on some of the functions that were previously associated with the College of Social Work and the former Central Council for Education and Training in Social Work, including education and training. Is he confident that the combination of setting the standards, approving the qualifying training and regulating the practice of individuals is compatible with having a single organisation? I recognise that he has made a lot of changes since the original proposals, so I am not criticising what he is trying to do. I am trying to be clear about how the regulator will work, given past experiences of efforts in this direction that have not exactly been that successful.

The Chair: That was a substantial intervention.

Edward Timpson: I am always happy to talk with the hon. Gentleman at any time about the details of policies and their implementation, and this is no exception. Despite the short time I have had to prepare an answer, I will do my best to give him the details that he seeks.

The Government will significantly support the establishment of Social Work England as a regulator in terms of the set-up costs. We anticipate that about £10 million will be provided by the Government from

the Department of Health. The Government will also contribute up to £16 million over the rest of this Parliament to support the running costs of Social Work England. We anticipate that it will become a self-sustaining model. For the reasons that the hon. Gentleman set out, we want to ensure that, during that period, that is exactly what we work towards.

The administration and workings of the new regulator will be overseen by the Professional Standards Authority, which will be keeping a close eye on its ability to be sustainable. At the moment, we are looking at individual registration, but I will look carefully at what the hon. Gentleman said about whether there are other mechanisms. The important thing is that we are confident that every person who is meeting the necessary standards is doing so as an individual, as opposed to as part of a team. It is that person's professional capacity that we are most interested in.

The regulator is not an improvement body; it is purely a regulator. One point I will pick up on for the hon. Member for South Shields is that we want to work with the various professional bodies that support social workers so that we have a single body that can help social workers with their improvement journey through their career, so that they feel supported in the process.

We have established an advisory group that includes the Association of Directors of Children's Services, the Association of Directors of Adult Social Services, the British Association of Social Workers, Unison, the Local Government Association and the PSA, which will act as our critical friend and provide effective challenge to help us to develop the detail and the practical delivery of the new regulator. The first meeting took place on 9 December. The intention is that the group will meet every six weeks to discuss the challenges that the changes will have for the wider social workforce, and to help support the development and detail of Social Work England. There are requirements in the Bill for Social Work England to consult on its standards, so there is another opportunity to look at those more closely. On that basis, I hope that the clause stands part of the Bill.

Question put and agreed to.

Clause 33 accordingly ordered to stand part of the Bill.

Schedule 2 agreed to.

Clauses 34 to 43 ordered to stand part of the Bill.

Clause 44

FEEES

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

Mrs Lewell-Buck: There are concerns that the new regulator, Social Work England, has been developed without any prior consultation or dialogue with the profession. There is a worry that it is likely to have cost implications for social workers in the form of high registration fees. I hope that the Minister can today confirm that that will not be the case, and that the Government can protect already practising social workers and require that fees for the new regulator's initial five years of existence be set no higher than the projected fees over that time for the existing regulator.

Social workers are already grossly underpaid for the work they do. The job is done seven days a week. It involves great personal and financial sacrifices and affects their mental and physical health. They should not have to bear the burden of paying for a new regulator that they never asked for.

3.15 pm

Edward Timpson: Clause 44 enables the Secretary of State, through regulations, to confer power on the regulator to charge fees in relation to registration or continued registration in the register provided for in clause 36; assessing whether a person meets a professional standard relating to proficiency, under clause 38(4); and the approval or continued approval of education and training courses in accordance with a scheme provided for in clause 39. Social workers currently pay £180 every two years to be registered with the Health and Care Professions Council. Those fees enable the HCPC to carry out its functions effectively. Clause 44 will enable Social Work England to have a power similar to the one that already exists.

Our vision is to create a confident and highly capable social work profession with the right knowledge and skills. I am sure that hon. Members would agree that that is worth pursuing, but to support that vision we need to invest in the profession by putting in place a new, bespoke regulator that focuses on practice excellence from initial education through to post-qualification specialism.

The clause is clear that before the regulator can determine the level of the fee, it must consult those persons whom it considers appropriate and must gain approval from the Secretary of State. That is a very significant part of the clause. Although it is right and proper that the regulator has appropriate freedoms and flexibilities, we want to ensure that any potential increase in fees is proportionate. I assure hon. Members that there is no intention that this will involve any element of profit making. The powers in respect of fees simply allow flexibility in the use of funding, thereby allowing cross-subsidisation. They would allow, for example, newly qualified social workers to pay a reduced fee for the first two years of registration as they do now.

The clause also enables the Secretary of State to confer power on the regulator to charge for the approval or continued approval of education and training courses. Again, that happens in other professions, but not currently in social work.

Steve McCabe: I just want this to be clear. Is it the Minister's intention that anyone working for any organisation in England whose job could reasonably be described as that of a social worker will have to be registered with the regulator to continue to do that job?

Edward Timpson: This is in relation to a children and families social worker. There are other roles that people

can have within children's social care, but if someone wants to qualify and be accredited as a social worker in that respect, the regulator is there for them. Of course it also incorporates adult social work and the regulation of that profession, but for any social worker there is a generic part to the degree, which the hon. Gentleman will be aware of. We want to ensure that there is consistency of approach to how we ensure that we know who meets the necessary standard, and that is reflected in the detail set out in subsequent clauses and the regulations that will follow.

Under the current regime, the cost is met from the registration fees paid by individual social workers. Again, it is right to make provision to enable the regulator at least to consider that option, but the clause is clear that it would need to consult before determining the level of any fee in order to understand any potential impact. The clause will also enable the new regulator to charge for assessing whether a person meets a professional standard relating to proficiency. Under clause 38(4), the Secretary of State may by regulations make provision about arrangements for such assessments.

The Government are keen to promote the development of post-qualification specialist practice, and we firmly believe that Social Work England can play a positive role in that, albeit as a regulator. In the first instance, it will take on functions relating to best interest assessors and approved mental health professionals. Over time, it may have a role in supporting efforts to develop post-qualifying specialisms for accredited child and family practitioners. The power under clause 38 for regulations to make provision about arrangements for the regulator to assess proficiency and the power dealt with in clause 44 for regulations to make provision for the regulator to charge a fee in respect of such assessments are included to support this future possibility. I am sure that hon. Members will agree that it is sensible in not tying the regulator's hands to the extent of potentially affecting sustainability in the long term.

Before exercise of the powers, including determination of the level of any such fee, regulations must be made through the affirmative procedure and the regulator must consult any persons whom they consider appropriate. That ensures that the appropriate safeguards are in place and addresses the issues raised by the hon. Lady. I hope that on that basis, the Committee will support the clause.

Question put and agreed to.

Clause 44 accordingly ordered to stand part of the Bill.

Clauses 45 to 50 ordered to stand part of the Bill.

Schedule 3 agreed to.

Clauses 51 to 57 ordered to stand part of the Bill.

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

3.22 pm

Adjourned till Tuesday 10 January 2017 at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

CSWB 09 Women's Aid

CSWB 10 Women Against Rape (WAR)

CSWB 11 Equality and Human Rights Commission

CSWB 12 Anonymous

CSWB 13 Independent Children's Homes Association

CSWB 14 Mary J Flores AKA Mary Moss