



Lord Nash

Parliamentary Under Secretary of State for Schools

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

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Children and Social Work Bill – Government amendments

I am writing in advance of the Children and Social Work Bill's upcoming Report stage which begins on 18 October.

I am very grateful to all peers who contributed to the discussions in Committee and to those of you who were able to attend the series of briefing sessions on the Bill over the past month. These discussions have given Edward Timpson and me much food for thought and I wanted, through this letter, to set out our conclusions and the actions I have subsequently taken.

Enclosed is a document addressing part one of the Bill which focuses on the support and placement of vulnerable children and the local authority role in providing children's social care services. I will be writing separately on part two of the Bill regarding the regulation of social work.

I hope you will recognise in the steps it describes the value I attach to your considered scrutiny of the original proposals during Committee. I believe strongly that as a result of that scrutiny a substantially stronger piece of legislation will leave the House of Lords than was introduced to it.

As always, I am very happy to discuss any of these matters in person.

Yours sincerely,

JOHN NASH

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Children and Social Work Bill – Part one amendments

Looked after children and care leavers: clauses 1-3

Our discussion on these clauses in Committee was thorough and wide-ranging.

As I said at the time, many of the issues we discussed are most appropriately addressed as questions of practice, or through guidance rather than in statute.

I hope that many of you will be able to attend the briefing session I have arranged before Report on 12 October which will be an opportunity to discuss these matters in more detail.

There are, however, two changes I propose to make to the Bill:

- We discussed in some depth the particular importance of mental health support for this group of children. In that light I have decided it is appropriate to make explicit in clause 1 that the requirement for local authorities to have regard to the health needs of children in their care encompasses both their mental health and their physical health needs.
- Clause 3 – I fully recognise the concerns some of you raised about making personal advisers available to care leavers only “on request”. While I still do not believe it would be appropriate to compel young adults to engage with an adviser, or appropriate or practicable to introduce a requirement on local authorities to press this support where it is resisted, I do accept that the legislation needs to be clear that it is more than a one-off offer of support. I will therefore be tabling amendments to ensure that local authorities are proactive in regularly making that offer.

Adopted children: clauses 4-9

I was struck by the strength of feeling during our debates on support for children adopted from care both in this country and abroad. I am delighted to have agreed with fellow Ministers substantial changes addressing the powerful points made by peers during our debates.

I am sure you will be as pleased as I am to hear that my colleagues in the Department of Work and Pensions will be revising regulations so that limits on the number of children in a family who attract the child element of either tax or universal credit should not apply to children adopted from care. This is an important move to make sure that we do all we can to help those families that care for our most vulnerable children.

In addition I will be bringing forward two “housekeeping” amendments in this area:

- Clause 4 – Clarification that those given parental responsibility under a court order should receive information and guidance from the local authority regarding promoting educational achievement.
- Clause 9 – The Welsh Government has asked that this clause dealing with considerations in adoption decisions should also apply in Wales.

Safeguarding: clauses 11-28

I will be tabling some amendments to these clauses in recognition of our discussion in Committee and in response to the Delegated Powers and Regulatory Reform Committee's reports (see below) which will have the effect of clarifying and increasing parliamentary scrutiny of the operation of the Child Safeguarding Practice Review Panel (who identify and review serious child safeguarding cases that are complex or of national importance) and of the new local safeguarding and child death review arrangements.

Beyond this I have considered how best to reflect our discussions on a practical level rather than in legislation. I have enclosed a briefing which among other things addresses issues such as the set-up of the Panel, local and national review arrangements, and the operation of the local safeguarding partnership arrangements. This is a revised and updated version of the briefing which was circulated to you before the briefing meeting with DfE officials on 12 September and takes account of the very helpful points which some of you raised during the meeting. I also enclose a draft set of indicative regulations regarding the relevant agencies with which the safeguarding partners may work together as they consider appropriate (see section 16E of the Bill).

Innovation: clauses 29-33

Debate of these clauses in Committee rightly focussed on questions of scrutiny and safeguards around any proposed use of the power to test new ways of working.

I have considered both these matters further and intend to make two changes on the face of the Bill:

- I intend to bring forward an amendment putting beyond doubt the question of whether these provisions could be used to circumvent legislation restricting profit making in children's services.
- I also intend to provide for the establishment of an Expert Advisory Panel whom the Secretary of State must consult on any proposed use of the power (particularly on the likely impact on outcomes for children and young people), and whose advice she must publish before making any regulations. Importantly, we do not want to add layer upon layer of duplicatory process

and risk long delays and stifling the innovation we are trying to encourage through these new measures. The proposed new panel would therefore subsume the provision which is currently in the Bill for the Secretary of State to consult with the Children's Commissioner and Her Majesty's Chief Inspector.

I have also given further consideration to the practical application of the power and enclose further briefing setting out more detail on scrutiny, monitoring and evaluation.

Delegated Powers and Regulatory Reform Committee

As mentioned above, I will be tabling a number of amendments in response to the two reports of the DPRRC on this Bill.

The final enclosures to this document contains my two letters to the Committee which set these out in full, but I would like to draw your attention to three changes in particular:

- *Child Safeguarding Practice Review Panel*: I will be tabling an amendment to the effect that the regulations made by the Secretary of State with which the functions of the Panel must accord will be subject to Parliamentary scrutiny by affirmative regulation.
- *Local safeguarding arrangements*: I will be tabling an amendment to make clear that the regulations which may make provision for enforcement measures relating to those acting in accordance with local safeguarding arrangements may not create criminal offences.
- *Innovation*: In addition to the new scrutiny measures set out above I accept the Committee's argument that a report should be prepared for Parliament, explaining the expected benefits, and proposed protections to be put in place for any proposed use of the power to disapply or modify legislation, and will be tabling an amendment to this effect.