



Library Note

Children and Social Work Bill [HL] (HL Bill 1 of 2016–17)

The Government announced in the Queen's Speech delivered on 18 May 2016 that a bill would be introduced in the 2016–17 session to “ensure that children can be adopted by new families without delay, improve the standard of social work and opportunities for young people in care in England”. The [Children and Social Work Bill](#) had its first reading in the House of Lords the next day, on 19 May 2016, and is scheduled to receive its second reading on 14 June 2016.

A short [overview of the Bill](#), published by the Government Whips' Office in the House of Lords, states that the Bill would build on the “huge steps” already taken to “enable children in care to stay with their former foster families after they turn 18, to deliver a world-class adoption system and to support high quality training and development of social workers”. It adds that new measures in the Bill include:

- A new set of principles clarifying how local authorities can promote and defend the interests of all looked-after children and care leavers.
- A new requirement for local authorities to consult on and publish a local offer setting out the support available for care leavers in that area, and to ensure that all care leavers have access to a personal adviser up to age 25.
- More support for adopted children and children in long-term care at local authority and school level through extending the role of virtual schools heads and designated teachers.
- Provisions to ensure that the needs of children are paramount in court decisions about their adoption or long-term care, which should take into account any harm they have suffered, the long-term plan for their upbringing, and their relationship with their prospective adopter.
- A new arrangement to enable local authorities to develop and trial more effective ways of delivering children's social care.
- A new central panel to review child safeguarding cases which raise issues that may lead to learning of national importance.
- Provision to enable the creation of a new body to regulate and improve the quality of the social work profession.

This Library briefing examines the Bill, the background to it, and summarises reaction to date on the measures it proposes.

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I. Overview of the Bill

I.1 Provisions

The Children and Social Work Bill has three stated purposes.¹

Looked-after Children and Care Leavers

First, the Bill aims to “ensure that the state delivers on our collective responsibility to help children leaving care make a good start in adult life, through a new “care leavers’ covenant” underpinned by a statutory duty requiring local authorities to publish the services and standards of treatment care leavers are entitled to”.² The main elements in the Bill relating to this aim have been set out as follows:

- Standards for how local authorities should act as a ‘corporate parent’ to support children in care and as they move into adult life.
- A requirement on local authorities to consult on and publish a ‘local offer’ to care leavers, setting out the services they are entitled to.
- An extension to the right to a personal adviser, someone who will make sure care leavers receive the support they need as they transition into adulthood, to all who want one up to the age of 25.³

Adoption

Second, the Bill aims to “tip the balance in favour of permanent adoption where that is the right thing for the child—helping to give children stability”.⁴ The main elements in the Bill relating to this aim have been set out as follows:

- Ensuring courts and local authorities take better account of a child’s need for stability up to the age of 18 when making decisions about their future.
- A duty on local authorities and schools to promote educational achievement for adopted children and those in the long-term care of family members or guardians.⁵

Regulation of Social Workers

Third, the Bill aims to “drive improvements in the social work profession, by introducing more demanding professional standards, and setting up a specialist regulator for the profession”.⁶

¹ Cabinet Office, [Queen’s Speech 2016: Background Briefing Notes](#), 18 May 2016, p 32.

² *ibid.*

³ *ibid.*, pp 32–3.

⁴ *ibid.*, p 32.

⁵ *ibid.*, p 33.

⁶ *ibid.*, p 32.

The main element in the Bill relating to this aim has been set out as follows:

- A specialist regulator for social work, to enable a clear focus on standards and effective training and development.

In addition, the Government has stated that the following elements relating to children's safeguarding form part of the Bill:

- Better protection of children by ensuring that lessons are learned from serious child safeguarding cases.
- Support for innovation in children's social care by allowing local authorities to pilot new, innovative approaches.⁷

The Bill contains 47 clauses across three parts:

- Clauses 1 to 19 fall within part 1 of the Bill, which relates to children. Clauses 1 to 9 concern looked-after children and clauses 10 to 19 concern other provision relating to children in England, including combined authority functions relating to children, serious child safeguarding cases and different ways of working in children's social care.
- Clauses 20 to 40 fall within part 2 of the Bill, which relates to social workers in England. Clauses 20 to 38 concern social worker regulations and clauses 39 to 40 concern approval of courses in relation to mental health social work.
- Clauses 41 to 47 fall within part 3 of the Bill and concern general matters, including transitional and consequential provision; regulations; extent; commencement; and short title.

Detailed information on each clause can be found in the Explanatory Notes published by the Department for Education to accompany the Bill.⁸

1.2 Territorial Extent

The Government has stated that the majority of the Bill covers devolved matters and therefore applies to England only.⁹ The provisions concerning adoption decisions (clauses 8 and 9) apply to both England and Wales.¹⁰ As detailed in the Explanatory Notes to the Bill, this is because both clauses apply to family law and proceedings which are reserved matters and not within the legislative competence of the National Assembly for Wales, though clause 9 also applies to adoption agencies which fall within the legislative competence of the National Assembly.¹¹ For this reason, the Explanatory Notes explain that this part of the clause is therefore drafted to apply to England only.

⁷ Cabinet Office, [Queen's Speech 2016: Background Briefing Notes](#), 18 May 2016, pp 32–3.

⁸ [Explanatory Notes](#).

⁹ Cabinet Office, [Queen's Speech 2016: Background Briefing Notes](#), 18 May 2016, p 33. The Explanatory Notes to the Bill provide further information: "Save for clauses 8 and 9 [Care and adoption proceedings in England and Wales], the matters to which the provisions of the Bill relate are within the legislative competence of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly. No legislative consent motion is being sought in relation to any provision of the Bill" ([Explanatory Notes](#), p 8).

¹⁰ Cabinet Office, [Queen's Speech 2016: Background Briefing Notes](#), 18 May 2016, p 33.

¹¹ [Explanatory Notes](#), p 8.

2. Background to the Bill

2.1 Recent Statistics

The most recent statistics on looked-after children at both national and local authority levels were published by the Department for Education on 1 October 2015.¹²

Children looked after at 31 March 2015 by placement (England)		
Placement at 31 March	Number	Percentage
All children looked after at 31 March	69,540	100
Foster placements	52,050	75
Placed for adoption	3,320	5
Placement with parents	3,510	5
Other placement in the community	2,280	3
Secure units, children's homes and hostels	6,570	9
Other residential settings	1,080	2
Residential schools	670	1
Other placement	70	—
Number of placements during the year	69,540	100

In a bulletin accompanying the statistical release, the Department observed:

- There were 69,540 looked-after children as of 31 March 2015, an increase of 1 percent compared to 31 March 2014 and an increase of 6 percent compared to 31 March 2011. This rise is not just a reflection of a rise in the child population: in 2015, 60 children per 10,000 of the population were looked after, an increase from 2011 when 58 children per 10,000 of the population were looked after.
- The number of looked-after children has increased steadily over the past seven years and it is now higher than at any point since 1985.
- Whilst the reasons why children start to be looked after have remained relatively stable since 2011, the percentage starting to be looked after due to family dysfunction has increased slightly (16 percent of children in 2015 compared with 14 percent in 2011). The majority of looked-after children—61 percent in 2015—are looked after by the state due to abuse or neglect.
- The majority of children looked after are placed with foster carers. In 2015 the number of children in foster care continued to rise; of the 69,540 children

¹² Department for Education, '[National Statistics: Children Looked After in England Including Adoption—2014 to 2015](#)', 30 March 2016. See Table A2 of the [National Tables: SFR34/2015](#) for source of data included in table above.

looked after at 31 March, 52,050 (75 percent) were cared for in a foster placement.¹³

2.2 Policy Background

The Children and Social Work Bill would implement undertakings relating to children and social work made in the Conservative Party manifesto published ahead of the 2015 general election:

We have made progress in reforming our adoption system, but there is more to do. We will [work] across local authority boundaries to match children with the best parents for them. We will continue to raise the quality of children’s social work, by expanding training programmes, such as Frontline, and creating new opportunities to develop the next generation of leaders in the field.¹⁴

On 14 December 2015, the Prime Minister, David Cameron, announced that poorly performing children’s services should improve or be taken over by high-performing authorities, experts and charities.¹⁵ A government press release on the announcement stated that these plans would “mirror [the] approach taken with failing schools” and that £100 million had been promised for investment in “attracting more high-calibre graduates into social work”.¹⁶ The release provided further information:

Children’s services in local authorities, which have persistently failed in the past, will be taken over immediately. Sharper triggers will be put in place so an emergency Ofsted inspection can be ordered where there are concerns about an authority’s performance.

This could include complaints from whistle-blowers or evidence of poor leadership. High-performing local authorities, experts in child protection and charities will be brought in to turn children’s services around—including by acting as sponsors, forming ‘trusts’ to take over authorities which are judged to be failing.

In the past, children’s services were taken over on an ad hoc basis with no clear national response to failure. For the first time, a formalised academy style system will be put in place so that any local authority judged as inadequate by Ofsted has to show significant improvement within six months or be taken over.

If a local authority’s children’s services fails to improve within six months of their Ofsted inspection, a new service leader (Commissioner) will be put in place and high-

¹³ Department for Education, [Children Looked After in England \(Including Adoption and Care Leavers\) Year Ending 31 March 2015](#), 1 October 2015, pp 1 and 3.

¹⁴ Conservative Party, [Conservative Party Manifesto 2015](#), 13 April 2015, p 35. Frontline describes its mission as being to “transform the lives of vulnerable children by recruiting and developing outstanding individuals to be leaders in social work and broader society”. The organisation offers a two-year leadership programme, which it describes as providing “high-achieving graduates and career changers the opportunity to join one of Britain’s toughest and most rewarding professions” (Frontline, [‘About Frontline’](#), accessed 7 June 2016).

¹⁵ Prime Minister’s Office and Department for Education press release, [‘We Will Not Stand By—Failing Children’s Services Will be Taken Over’](#), 14 December 2015. The Department of Education has recently stated that children’s services in the city of Birmingham would now be run by a trust, following poor performance (Henry Bodkin, [‘Birmingham City Council to Lose Control of Children’s Services Deemed ‘A National Disgrace’](#), *Telegraph*, 24 May 2016; and Community Care, [‘Children’s Services in Birmingham to be Run by Independent Trust’](#), 24 May 2016).

¹⁶ Prime Minister’s Office and Department for Education press release, [‘We Will Not Stand By—Failing Children’s Services Will be Taken Over’](#), 14 December 2015.

performing local authorities, experts in child protection and charities will be brought in.¹⁷

Announcing the measures, the Prime Minister stated that the changes would be “one of the big landmark reforms of this Parliament, as transformative as what we did in education in the last”.¹⁸ He added: “[This] shows how serious we are about confronting state failure and tackling some [of] the biggest social problems in our country. Together we will make sure that not a single child is left behind”.

On 14 January 2016, the Secretary of State for Education, Nicky Morgan, delivered a speech in which she set out plans to “transform children’s social work so that social workers get it right for vulnerable children and families”.¹⁹ After characterising social workers as the “country’s unsung heroes”, Ms Morgan noted that “last year, over 630,000 children were referred to children’s social care” and that “over 400,000 children were in need of support, with a significant proportion of these children having suffered abuse or neglect”. Ms Morgan stated that she wanted to see an “extra 750 qualified social workers coming from fast-track programmes in the next year alone” and confirmed that there would be an investment of £100 million into Frontline and Step Up to Social Work, both of which are training programmes.²⁰ Ms Morgan also announced that a new body would be created, in conjunction with the Department of Health, “charged with driving up standards in social work and raising the status of social workers”.²¹

Alongside Ms Morgan’s speech, the Department for Education published [Children’s Social Care Reform: A Vision for Change](#). This document set out the Government’s reform programme and ambitions for 2020. Regarding the latter, the document stated:

The future we want to see is one where these excellent professionals do not shape their practice to comply with the diktat of ministers, or guidance from Whitehall officials, or even the Ofsted framework—but rather they form a confident social work profession, constantly pushing the boundaries and redefining what works through rigorous and evidence-based practice.

To support this innovation and drive for excellence, by 2020 we want to see a more diverse range of children’s social care organisations, operating over new geographical areas, supported by meaningful data and an inspection regime that supports high quality evidence-based front line practice, with local arrangements that best support coordination across agencies. And crucially, the performance of these new organisations must be driven by challenging, sharp and practice-focused accountability.²²

¹⁷ Prime Minister’s Office and Department for Education press release, ‘[We Will Not Stand By—Failing Children’s Services Will be Taken Over](#)’, 14 December 2015.

¹⁸ *ibid.*

¹⁹ Department for Education, ‘[Speech: Delivering a Revolution in Children’s Social Care](#)’, 14 January 2016.

²⁰ For more information, see Frontline, ‘[About Frontline](#)’, accessed 7 June 2016; and Department for Education, ‘[Guidance: Step Up to Social Work—Information for Applicants](#)’, 25 January 2016.

²¹ Department for Education, ‘[Speech: Delivering a Revolution in Children’s Social Care](#)’, 14 January 2016.

²² Department for Education, [Children’s Social Care Reform: A Vision for Change](#), 14 January 2016, p 9. Nicky Morgan set out the series of proposed changes contained within the document in a written statement issued on the same date ([House of Commons, Written Statement: Children’s Social Care Reform](#), 14 January 2016, HCWS469).

On 27 March 2016, the Department for Education published a complementary report, [Adoption: A Vision for Change](#), in which it set out its ambitions for adoption for 2020. As part of this, the document stated:

Our vision for 2020 is of an adoption system where:

Decisions about placements are always made in children’s best interests.

Quality of care and stability of placement are rightly prioritised by decision makers whenever they make decisions about a child’s future. Adoption is pursued determinedly when it is the right option for a child.

Service delivery has at its heart innovation and practice excellence. Systems are designed around the needs of children, free from bureaucratic barriers that do not add value, and draw on the best of both the statutory and voluntary sectors.

Social workers are highly skilled professionals who make high quality, evidence based decisions and do not tolerate damaging delay for children in their care. Social workers are part of an expert, confident workforce with the knowledge and skills to make and pursue complex and challenging decisions. Once a decision for adoption has been made, the adoption plan is progressed swiftly by social workers driven by a sense of urgency.

Matches are made without unnecessary delay. RAAs [Regional Adoption Agencies] provide a large pool of adopters for every child in need of a new family. Where a match is not immediately available within the RAA, the search is extended nationally without delay.

Every adoptive family has access to an ongoing package of appropriate support with a right to a high quality, specialist assessment of need. This support is delivered from day one and continues throughout childhood whenever it is required. Adoptive families have a supportive relationship with their local agency and know they can turn to them for additional support at any time, without judgement.

The voice of adopters and their children is at the heart of national and local policy decision making and delivery of services. The views of adopters and adopted children are demonstrably used in the shaping and co-production of local services and help to inform national policy developments.²³

On 3 April 2016, the Department for Education published further details of its Children’s Social Care Innovation programme, launched by Edward Timpson, Minister of State at the Department for Education, in October 2013 and scheduled to run from April 2016 to March 2020.²⁴ The Government has stated that the programme is designed to innovate and redesign service delivery to “achieve high quality services, improved outcomes for children and better value for money”.²⁵

Three days before the Queen’s Speech, the Prime Minister, in an article published in the *Sunday Times* on 15 May 2016, trailed the measures that would be included in the Children and Social

²³ Department for Education, [Adoption: A Vision for Change](#), 27 March 2016, p 7.

²⁴ Department for Education, [‘Policy Paper: Children’s Social Care Innovation Programme’](#), 3 April 2016.

²⁵ Department for Education, [Children’s Social Care Innovation Programme: How to Get Involved](#), 3 April 2016, p 3.

Work Bill. In the article, the Prime Minister set out the Government’s reasoning behind the measures contained in the Bill:

First, we need to say openly that families matter—and so we support adoption. Foster parents do an amazing job for many, but I am unashamedly pro-adoption because I believe all children need a loving, permanent and stable home [...] for me, a child’s happiness and future life chances will always come above everything else. So we will legislate to tip the balance in favour of permanent adoption where that is the right thing for the child—even when that means over-riding family ties. This is a vital move that will mean much greater importance is attached to the long-term stability and better outcomes that it can offer.

Second, we must have zero tolerance of state failure [...] we will set new, demanding standards that we will expect every single child and family social worker to meet by 2020. And a new regulator will be brought in to oversee this new system.

Third, we need to give far more effective support to those leaving care [...] we will introduce the first care leavers’ covenant. This will be a promise, set out in law, to everyone who has been through the care system, making sure that local authorities set out clearly what they are entitled to locally—including housing, jobs and healthcare.²⁶

3. Reaction to the Bill

3.1 Parliament

House of Commons

Speaking in the House of Commons on 25 May 2016 during a day of debate on the Queen’s Speech, the Secretary of State for Education, Nicky Morgan, stated that the Bill would:

[...] continue the Government’s determination to transform the life chances of the most vulnerable children, giving them the stability to succeed. It includes measures to strengthen adoption and to ensure that those charged with making decisions in the interests of children always take into account a child’s need for stability. It will introduce new ways to drive innovation in local authorities, enable us to continue our drive to raise the status and standards of social workers, and include a set of corporate parenting principles and a requirement for local authorities to publish a local offer for care leavers, setting out what support they can expect and giving them the right to a personal advisor until the age of 25.²⁷

Speaking on behalf of the Labour Party during the same debate, Angela Eagle, Shadow First Secretary of State and Shadow Secretary of State for Business, Innovation and Skills, stated that her Party would “support measures to protect and create opportunity for the most vulnerable children in our society”, but added:

We will look closely at the detail of this Bill and the proposals the Government are putting forward. We need to ensure that when action is taken, it is high quality, has

²⁶ David Cameron, ‘My Promise to Every Child in Care: I Will Help You Build a Better Life’, *Sunday Times*, 15 May 2016.

²⁷ [HC Hansard, 25 May 2016, col 643.](#)

proper oversight, and has the needs of children at its heart. Labour Members are clear that child protection services should never be run for profit. So far, this Government have failed to provide adequate adoption support. Local authorities are being starved of resources, putting further strain on children’s services and social workers. Every child deserves a fulfilling upbringing that provides a path into adulthood—on that we all agree—and we have a moral duty to tackle abuse and neglect wherever we see it.²⁸

Marion Fellows, a Whip for the Scottish National Party, suggested that the Government could look to Scotland’s experiences:

There are many things to welcome in the Queen’s Speech, but many more things could be improved on given our experiences in Scotland [...]

In Scotland, we have a system for looked-after children, and all children in fact, called “Getting it right for every child”. Our system is very child-focused and is based on an understanding of the well-being of the child.²⁹

House of Lords

Opening the first day of debate on the Queen’s Speech in the House of Lords on 19 May 2016, Lord Nash, Parliamentary Under Secretary at the Department for Education, explained the Government’s Bill as follows:

The Children and Social Work Bill will make a major contribution to improving the life chances of our most vulnerable young people. It represents the next stage in our commitment to making sure that those children in our care get the start in life they deserve. It will ensure that there is a proper framework of support around looked-after children and those leaving care, whether to adoption, to placement with another family member or to make the transition to adulthood. For the first time, we are setting out a clear statement of the principles governing the state’s role as corporate parent to these children, making sure that local authorities think and act in those children’s best interests in the same way that any other parent would.

Through the Bill we are also making sure that support and help does not stop simply because a child has left care. There will be designated people at local authority and school level to promote the educational attainment of previously looked-after children, and a “local offer” to care leavers setting out clearly the support to which they are entitled. This will include the provision of advice and guidance up to the age of 25. The Bill also focuses on the key professionals working with these children, enabling the establishment of a specialist regulator for social work to drive up standards of both practice and training.

Lastly, the Bill will promote more effective learning at national level from incidences of serious harm. It will help to foster innovation at the local level, enabling forward-

²⁸ [HC Hansard, 25 May 2016, col 551](#).

²⁹ [ibid, cols 581–4](#). Further information on the ‘Getting it right for every child’ programme of the Scottish Government can be found in the following sources: Scottish Government, ‘[Getting it Right for Every Child \(GIRFEC\)](#)’, accessed 7 June 2016; and [Getting it Right for Every Child: Promoting, Supporting and Safeguarding the Wellbeing of Children and Young People](#), 2016.

thinking local authorities to test new and more effective approaches to delivering social care and to set the direction themselves for future reform and improvement.³⁰

Lord Watson of Invergowrie, the Labour Spokesperson on Education in the House of Lords, repeated his Party's welcome for the Bill before voicing his concerns about the Government's broader strategy for looked-after children and where he felt the Bill was lacking:

[It will] be important for this Bill to make up for the missed opportunity in the Education and Adoption Act [2016] by ensuring that, this time, provisions are introduced to ensure that children's mental health is properly assessed on entry into care and then throughout their time in the care system. As the right reverend Prelate the Bishop of Durham said, leaving care is often traumatic, yet the Government have failed to provide adequate adoption support, and cuts to services are putting pressure on the system. Measures that will increase adoption are welcome, but it is vital that action is taken that is in the best interests of the individual child. It is unacceptable that the Government have not yet developed a strategy for the wholesale improvement of the care system that delivers for all, not just those children being considered for adoption. As the noble Lord, Lord Bichard, told noble Lords, social work should be seen as an honourable profession, yet often it is not. It is certainly a vital one. It is essential that other forms of care, such as kinship care and fostering, are not marginalised, because that will prevent the step change we need to see in outcomes for looked-after children. This Bill invites more than a few questions for the Government, but rather than list them now I will wait until 14 June when the Bill will have its second reading.³¹

Baroness Tyler of Enfield, the Liberal Democrat Spokesperson on Mental Health in the House of Lords and President of the National Children's Bureau, stated that she welcomed the focus in the Queen's Speech on "life chances and help for the most disadvantaged".³² Baroness Tyler added that she also welcomed proposals set out in the Bill to "strengthen the support that local authorities, as the corporate parent, offer to children in care and care leavers up to 25, and to improve standards across the social work profession".³³

3.2 Stakeholders

There have been a number of positive responses to the announcement of the Bill from stakeholders, but some have cautioned the Government on its approach to matters covered by the Bill. A selection of this reaction is outlined below.

Adoption

With regard to the provisions concerning adoption, a number of stakeholders, including individuals associated with the Local Government Association, the Association of Directors of Children's Services, the Fostering Network and Barnardo's, echoed a point made by the House

³⁰ [HL Hansard, 19 May 2016, col 30.](#)

³¹ [ibid, col 119.](#)

³² [ibid, col 108.](#)

³³ [ibid, col 109.](#)

of Lords Committee on Adoption Legislation in its 2013 report [Adoption: Post-Legislative Scrutiny](#), which highlighted that adoption was only one of several solutions for children in care:

The [Coalition] Government wishes to increase the number of children being adopted; we agree that there is the potential for more children to benefit from adoption which is in many ways unique in its benefits. Adoption is, however, only one of several solutions for providing vulnerable children with the love, stability and support they need. Long-term fostering, friends and family care, and special guardianship also play a significant role in meeting the needs of many of the children who cannot be cared for by their birth parents, and for whom adoption may not be appropriate. We are concerned that the Government's focus on adoption risks disadvantaging those children in care for whom adoption is not suitable. Improving the outcomes for all children in care should be the priority; all routes to permanence merit equal attention and investment.³⁴

Commenting on the measures in part I of the Bill, Councillor Roy Perry, chair of the Local Government Association's Children and Young People Board, stated that "many of the provisions outlined in this Bill have the potential to support the good work already taking place in local authorities across the country, and could make a real difference to the lives of vulnerable children and young people".³⁵ He added:

Adoption is not right for every child, but neither the local authority nor the court should shy away from making that decision when it is in the child's best interests. Finding loving homes for children is one of the most important jobs that councils do, with local authorities at the heart of efforts to find permanent homes for some of our most vulnerable young people. The Government's determination to drive longer term decision making through the court system is encouraging, as the recent decline in the number of children adopted from care will only be tackled through close working between social workers and the judiciary.

However, we must take care that the ongoing focus on adoption does not distract from the importance of other types of long and short-term care for vulnerable children. Local and national government must continue to work towards improving the experience of all children in care—whether they are being looked after by friends or family, in foster care or a special guardianship arrangement, or in residential care.³⁶

Dave Hill, President of the Association of Directors of Children's Services, welcomed the Government's "ongoing commitment to finding the most vulnerable children in care a stable and loving home", but he also stressed that it was "important to recognise that adoption is not the only placement option and isn't right for every single child or sibling group".³⁷ He argued:

The idea that the care system is a bad place to end up is in danger of becoming the accepted truth. This lazy generalisation does a disservice to the children and young people in care, the staff that work so hard to keep children and young people safe, and

³⁴ House of Lords Committee on Adoption Legislation, [Adoption: Post-Legislative Scrutiny](#), 6 March 2013, HL Paper 127 of session 2012–13, p 5.

³⁵ Local Government Association, '[Queen's Speech: Councils Respond to Children and Social Work Bill](#)', 18 May 2016.

³⁶ *ibid.*

³⁷ Association of Directors of Children's Services, '[Children and Social Work Bill Announced in the Queen's Speech](#)', 18 May 2016.

the foster carers who look after them. Changing this misconception is a priority for the Association and we stand ready to assist in the creation of a new narrative.³⁸

Kevin Williams, Chief Executive of the Fostering Network, approved of the “Prime Minister’s self-declared ‘unashamedly pro-adoption’ stance”, but asked the Government to “understand that adoption and foster care are not mutually exclusive” and called for the Government to be “unashamedly pro-foster care as well”.³⁹ Mr Williams added that the Fostering Network had been contacted by foster carers who were “devastated by the suggestion that the homes they provide aren’t good enough for children”, and that his organisation wanted the Government to “consider whether its landmark policies should be focused on a small minority of children at the expense of so many other children”. He stated that foster care “can, and does, provide the sort of loving, stable and secure homes the Prime Minister appears to believe is only possible through adoption”, and asserted that fostering “needs the same passion, support and investment from the Government as adoption”. Mr Williams termed the promise of the first care leavers’ covenant for England “welcome news”.

Javed Khan, Chief Executive of Barnardo’s, greeted the Government’s efforts to improve children’s lives, but cautioned that the proposed changes for the care system and care leavers were “not a fix-all”.⁴⁰ He also questioned how the “changes announced today will translate into real improvements for the most vulnerable children in our society, and how the Government will measure their success”. Mr Khan echoed some of the concerns expressed by the Local Government Association, the Association of Directors of Children’s Services and the Fostering Network about the need for “stringently” considering and supporting “all types of permanent living arrangements”. He was concerned the Government was “creating a two tier system, suggesting foster care is a less effective route when sometimes it is in the best interests of the child”.

TACT (The Adolescent and Children’s Trust), which describes itself as the UK’s largest fostering and adoption charity and voluntary agency, stated it supported many of the proposed measures in the Bill.⁴¹ In its briefing, the Trust asserted that it was “not clear whether the proposals in part I [of the Bill] will increase the number of adoptions”, adding that although the Bill “should improve the quality of evidence presented to the Family Courts”, whether it will improve decisions on placements “remains to be seen”.

John Simmonds, Director of Policy, Research and Development at CoramBAAF Adoption and Fostering Academy—a membership organisation for agencies and individuals in family placement services and successor body to the British Association for Adoption and Fostering—added his concerns about the focus on adoption. He noted that 75 percent of looked-after children were placed in foster care, and stated that fostering was a “public service that needs to be recognised for the major contribution that it makes to the lives of a vulnerable group of children across the age range”.⁴² He explained:

The looked-after system must centre on foster carers as being the core driver in its delivery of what children need, and support them accordingly. Early decisions need to

³⁸ Association of Directors of Children’s Services, [‘Children and Social Work Bill Announced in the Queen’s Speech’](#), 18 May 2016.

³⁹ Fostering Network, [‘Response to 2016 Queen’s Speech’](#), 18 May 2016.

⁴⁰ Barnardo’s, [‘Barnardo’s Chief Executive Responds to the Queen’s Speech’](#), 18 May 2016.

⁴¹ TACT, [TACT Briefing: Children and Social Work Bill](#), 23 May 2016, p 4.

⁴² CoramBAAF, [“‘Foster Care’s Critical Role in Providing Secure and Stable Family Life for the Majority of Children in Care Needs More Recognition’ States CoramBAAF in Light of the Queen’s Speech’](#), 18 May 2016.

[be] made about establishing the right family for every child in the long term, and all these families need the same level of resources. There could be no more important question to be addressed in public policy and everything that then flows from this.⁴³

Care Leavers

With regard to the provisions concerning care leavers, Anne Longfield, Children's Commissioner for England, welcomed the announcement of "new legislation to improve the lives and outcomes of children in care and care leavers", adding:

Although many children have positive experiences of the care system, it cannot be right that others continue to be failed by it. We have a duty and responsibility to nurture and protect children in care as we would our own children.

The many children in care I meet and listen to consistently talk about their aspirations for the future, their need for better support when they leave care, and greater involvement in decisions that affect them. I look forward to promoting their views and experiences to help ensure that their voice is heard as the Bill progresses through Parliament.⁴⁴

Councillor Roy Perry of the Local Government Association said that the "proposals to provide clear, consistent support to young people leaving care until the age of 25" were supported by councils, but cautioned that "this must be fully funded".⁴⁵

Javed Khan of Barnardo's emphasised the importance of good parenting and welcomed the extension of care for care leavers until they reach the age of 25:

Good parenting sets the foundation for happy, healthy children—regardless of if that's a birth parent, adopters, foster carer or residential care worker. Bringing together a clear set of principles for care should make that responsibility clearer for those employed by the state to look after children. But it is not a fix-all. The true test of how well this works will be if it actually improves a child's life chances in practice as well as principle.

Barnardo's has long called for support being extended for care leavers until they are 25 years, so this improvement is welcome. Young people leaving care don't have a parent to guide and support them into adulthood and can be more vulnerable due to the instability they've faced in their lives.⁴⁶

Mr Khan concluded by requesting a "firm commitment from Government to measuring outcomes for care leavers, as that transparency could then drive further progress" and observing that there were "other huge gaps in support for care leavers, such as having the right accommodation in place and support with education, employment and training".

⁴³ CoramBAAF, "[Foster Care's Critical Role in Providing Secure and Stable Family Life for the Majority of Children in Care Needs More Recognition](#)" States CoramBAAF in Light of the Queen's Speech', 18 May 2016.

⁴⁴ Children's Commissioner for England, '[Anne Longfield's Response to the 2016 Queen's Speech](#)', 18 May 2016.

⁴⁵ Local Government Association, '[Queen's Speech: Councils Respond to Children and Social Work Bill](#)', 18 May 2016.

⁴⁶ Barnardo's, '[Barnardo's Chief Executive Responds to the Queen's Speech](#)', 18 May 2016.

Anna Feuchtwang, Chief Executive of the National Children's Bureau (NCB), stated that the "plans outlined in the Queen's Speech show great promise for children leaving care", but added there were:

Currently too many vulnerable young people leave care without the support they need, in a way that no loving parent would want for their child.

It is however disappointing to see no clear strategy guaranteeing services which intervene early to improve children's lives and future outcomes, or any evidence to illustrate how early help will be supported in the current programme of austerity.⁴⁷

Ms Feuchtwang continued by stating that children's rights are "enshrined in domestic and international law" and that the NCB was "concerned that any diluting of this in proposals to reform the Human Rights Act could threaten the Government's stated desire to improve children's life chances".

Matthew Reed, Chief Executive of the Children's Society, focused his remarks on issues including placement location and mental health:

We know that the life chances and outcomes for care leavers are significantly worse than for those who have not grown up in care. The Government must address the problem of children in care being uprooted and moved miles away from their communities. It must also make sure care leavers get priority and consistent access to mental health support to tackle the significant disadvantages faced by those growing up in care.⁴⁸

Andrew Isaac, spokesperson for the Children's Services Development Group (CSDG), stated that the organisation "warmly welcomes the Government's continued clear and transformative commitment to improving children's services", before expanding on its views on the proposed changes to the role of local authorities:

New standards for local authorities as 'corporate parents' is a step in the right direction. CSDG has been constructively engaging with the Government over a long period to highlight the entrenched bias that exists as a result of local authorities being both the commissioner and the provider of children's services.

This relationship invariably means that children are placed in services perceived to be the lowest cost, rather than those which best meet their needs. We hope this renewed focus on ensuring authorities act as a 'corporate parent' will improve placement decisions and long-term outcomes.⁴⁹

Jon Sparkes, Chief Executive of Crisis, a charity for single homeless people, stated that his organisation welcomed the announcement of the care leavers' covenant, before stressing the importance of ensuring adequate housing and employment support for care leavers. He noted that "half of all first-time single homeless people are under-21, with the majority going through

⁴⁷ National Children's Bureau, '[National Children's Bureau Statement in Response to the Queen's Speech](#)', 18 May 2016.

⁴⁸ Children's Society, '[Queen's Speech: The Government Needs to Turn Rhetoric into Reality to Support Disadvantaged Children](#)', 18 May 2016.

⁴⁹ Ruth Hardy, '[Social Care Network: A New Children and Social Work Bill—Views from the Social Care Sector](#)', *Guardian*, 18 May 2016.

the experience again and again” and argued that that was “why it’s so important the Government has committed to ensuring some of the most vulnerable young adults in our society leave local authority care with the housing and employment support they need”.⁵⁰ He said that: “Young people have too often been forced out of care before they’re ready—our research shows that one in four homeless people have been in care as children”, and that Crisis looked forward to working with the Government and local authorities to “ensure those leaving care are given the housing support and advice they need to make the successful transition into adulthood.

Different Ways of Working

Article 39, a small charity named after Article 39 of the United Nations Convention on the Rights of the Child, has described clause 15, which would empower children’s services to request up to six year breaks from Children Act 1989 duties as the “greatest threat to children’s rights in the Bill”.⁵¹ In text described as highlighting the “opportunities and serious threats” for children’s social care rights presented by the Bill, the charity stated:

Clause 15 of the 2016 Bill is headed ‘Powers to test different ways of working’, and empowers local authorities to apply to the Education Secretary to surrender or change their obligations to children and families under social care legislation. Where a local authority is subject to direct control, or any of its functions are being undertaken by a separate body, the local authority has no specified right to be consulted, or to object to such a move.

Agreements for the radical removal of children’s social care rights will be made through the process of either negative or affirmative resolution in Parliament, and could last for up to six years [...]

Local authorities must consult their LSCB [London Safeguarding Children Board] prior to seeking these fundamental changes. There is no duty to consult local children, care leavers or families or bodies such as Children in Care Councils. The Education Secretary must, before agreeing to regulations, consult the Children’s Commissioner and Ofsted.⁵²

Commenting on clause 15, Carolyne Willow, a social worker and Director of Article 39, argued that the changes in the Bill could make social care “more appealing” to third party providers, including private companies, stating that “if they could test running services and functions of the statutory bodies right now without having the legal duties then obviously they would be more attracted”.⁵³

However, an anonymous child protection social worker—writing for the *Guardian*—has argued that clause 15, which would allow local authorities to trial new and innovative ways of working, “must be embraced, as should learning from other areas to define what works well”.⁵⁴

⁵⁰ Crisis, [‘Queen’s Speech Misses Opportunity to Prevent Homelessness’](#), 18 May 2016.

⁵¹ Article 39, [‘Children and Social Work Bill: Gains and Serious Threats’](#), 26 May 2016.

⁵² *ibid.*

⁵³ Community Care, [‘Social Work Bill Could Exempt Councils from Child Protection Duties’](#), 1 June 2016.

⁵⁴ Social Work Tutor, [‘Liam Fee’s Murder Shows Social Workers Need More Time with Children’](#), 3 June 2016.

Social Work

With regard to the social-work related measures in the Bill, Councillor Roy Perry, chair of the Local Government Association's Children and Young People Board asserted that "improving regulation of social workers will increase public confidence in the profession and a sense of pride in the many highly-talented social workers". He added:

However, we need to ensure this is not overly bureaucratic and doesn't deter new recruits or existing staff from remaining in social work. This is also an excellent opportunity to align the new system with DBS [Disclosure and Barring Service] record checks so time is not wasted on repeating lengthy checks that can take months to complete.⁵⁵

Dave Hill, President of the Association of Directors of Children's Services, also stated that "efforts to raise the profile and standing of the social work profession" and the whole-profession remit of the proposed new regulatory body for social work were "welcome" measures.⁵⁶ However, he said that his organisation:

[...] urges the Government to learn the lessons from establishing the GSCC [General Social Care Council—a former non-departmental public body of the Department of Health] in 2006 to ensure that the morale and productivity of the social work profession is not adversely impacted upon by these changes. A complex social work reform agenda is already underway and steps must be taken to avoid destabilising or even demoralising this fragile workforce. Social workers are rarely recognised for the positive work that they do and we are absolutely committed to promoting one of the most important professions in the country by encouraging better public understanding of the role.⁵⁷

Dr Ruth Allen, Chief Executive of the British Association of Social Workers (BASW), urged the Government to involve social work professionals, in comments she made following the Queen's Speech:

In order to create the 'cultural change' [the] Government is seeking, it has to reach out to the profession. Government reforms need to be driven by social worker knowledge and skills. The further development of social work and public confidence in social workers can only be achieved through the profession shaping change and leading on its own excellent practice. No profession can be created by government; it must be owned and developed from evidence, ethics and the reality of day to day practice. As the professional body representing social work across the UK, BASW and its members expect to be fully part of policy proposals and reform.⁵⁸

⁵⁵ Local Government Association, '[Queen's Speech: Councils Respond to Children and Social Work Bill](#)', 18 May 2016.

⁵⁶ Association of Directors of Children's Services, '[Children and Social Work Bill Announced in the Queen's Speech](#)', 18 May 2016.

⁵⁷ *ibid.*

⁵⁸ British Association of Social Workers, '[BASW: Response to Queen's Speech—The Government Must Get in the Room with Social Work's Professional Body to Shape Change](#)', 18 May 2016.

Dr Allen added that the focus of any government-led reform:

[...] must be to support the profession to own and lead change for the benefit of those we serve. We already have excellent social workers in the profession and their views must be taken on board. Training courses are producing well skilled and ambitious new social workers. The junior doctors dispute should be used an example of both the need to involve professionals in management of change and also of potential impact to both services and people if communication breaks down.

The profession needs to have a serious discussion about reform and we want to see a change in approach from the Government. We want to see an end to unsubstantiated criticism of social workers and their professionalism in the media which harms morale and ultimately harms services. We need an honest conversation with [the] Government about their plans for reform. There is currently a lot of discussion in social care about 'co-production' as a key concept in the development of public services, when services work together with people who use services and carers to harness the expertise of all. We need a similar approach between government and professionals such as social workers. We would welcome the opportunity to meet with ministers to start these discussions.⁵⁹

Regarding part 2 of the Bill, TACT (The Adolescent and Children's Trust), stated that it welcomed measures in this part of the Bill:

Accreditation, a standalone regulator and moves to strengthen support and secure better outcomes for children in and leaving care are all proposals that resonate with TACT. A proper post-qualification pathway to ensure career long learning, training, development and reflection backed up by accreditation and licensing, that is properly overseen, has been missing from social work for far too long.⁶⁰

⁵⁹ British Association of Social Workers, '[BASW: Response to Queen's Speech—The Government Must Get in the Room with Social Work's Professional Body to Shape Change](#)', 18 May 2016.

⁶⁰ TACT, '[TACT Briefing: Children and Social Work Bill](#)', 23 May 2016, p 4.

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