FIGHTING FOR CHILDREN'S RIGHTS IN INSTITUTIONAL SETTINGS

CHILDREN AND SOCIAL WORK BILL

Report Stage, House of Lords – 8 November 2016

Clauses 29-33

Article 39 is one of 43 organisations calling for the removal of Clauses 29-33 from the Bill:

Article 39 – ASD Helping Hands – Association of Lawyers for Children
Association of Professors of Social Work – Association of Youth Offending Team Managers
Bringing Us Together – British Association of Social Workers – British Institute of Human Rights
The Care Leavers' Association – Children's Rights Alliance for England
Child Rights International Network – CoramBAAF – Coram Children's Legal Centre – Depaul UK
Dyspraxia Kids – The Fostering Network – Full of Life – Howard League for Penal Reform
INQUEST – Institute of Recovery from Childhood Trauma – Legal Action Group
Legal Action for Women Liberty – Low Farm Therapy Centre – Nagalro – Napo
National Association of Independent Reviewing Officers
National Association for People Abused in Childhood – National Association for Youth Justice
The National Autistic Society – The National Deaf Children's Society – NYAS
Parents of Traumatised Adopted Teens Organisation – Peer Power – Prison Reform Trust
Refugee Council – Single Mothers Self Defence – Standing Committee for Youth Justice
St. Michael's Fellowship – Surviving Safeguarding – UNISON – Women's Aid – Youth Access

Around 150 experts, including many parents and carers of disabled children and England's first two Children's Commissioners, have added their names to the Together for Children campaign for removal of the exemption clauses.[1] 101,000+ members of the public have signed a 38 Degrees petition against the exemption clauses in the past three weeks.[2]

Introduction

1. Article 39 welcomes and supports innovation, but we do not interpret Clauses 29-33 as falling within innovative and child-centred practice. We see the presentation of these Clauses as a smokescreen for deregulation. **We urge Peers to support amendment nos. 57, 58, 64, 66 and 68 tabled by Lord Ramsbotham, Lord Watson of Invergowrie, Lord Warner and Lord Low of Dalston**.

Radical change to children's law

2. Clause 29 establishes a fast-track process for area-by-area derogation (and modification) of children's social care legislation. Deregulation can last for up to six years (Clause 30). Legal duties would be removed from a single local authority or a group of local authorities through statutory instrument. Acts of Parliament and secondary legislation spanning 80+ years are

affected and legal obligations to children and care leavers up to the age of 25 can be removed or changed (Clause 33). The Government has acknowledged, "As far as it relates to primary legislation, this is a Henry VIII power".[3] Lord Judge in a lecture earlier this year on Parliamentary sovereignty and the proliferation of statutory instruments, observed:

"with only seventeen instruments rejected in sixty-five years, and none in the Commons since 1979, it is difficult to avoid the conclusion that the Parliamentary processes are virtually habituated to approve them."[4]

3. There has been no consultation; the power to test out deregulation was not an election manifesto pledge; and this part of the Bill has generated huge concern and opposition. UNISON surveyed 2,858 social workers and found 69% believe exemptions will lead to more children being placed at risk. Only 10% of social workers supported exemptions.[5] During the Lords' last debate on the Bill, both Lord Warner and Lord Watson urged the publication of the LaingBuisson market-scoping report, commissioned by the DfE in 2014, since this may reveal where exemptions fit within the Government's wider plans for children's services. This has not happened. We have made a complaint to the Information Commissioner's Office after our freedom of information (FOI) request for a copy of the report was refused.

4. The changes this Bill seeks are radical, both in their willingness to allow very vulnerable children to be subject to different legal protections <u>on the basis of where they live</u> and in the very broad legislative power sought by the Secretary of State. There is no requirement in the Bill to consult children or care leavers. This breaches Articles 12 and 3 of the United Nations Convention on the Rights of the Child (UNCRC),[6] which apply to wider legislative and policy matters as well as actions and decisions affecting individual children.

5. Exemption (or modification) orders will be subject to weak Parliamentary scrutiny. As Lord Judge powerfully articulated, it is extremely rare for statutory instruments to be rejected, whether they follow the negative or affirmative resolution procedure. The Hansard Society reports that only 0.01% (1 in 10,000) of instruments have not been passed since 1965. It further reports that Peers and Members of Parliament are:

   "confronted with an unpalatable 'take it or leave it' proposition: accept a Statutory Instrument even if they believe it is fundamentally flawed, or reject it entirely even if some elements are acceptable. This does nothing to encourage effective scrutiny and Member engagement with the issues".[7]

6. We have not been able to find any other country in Europe which allows legal opt outs within their children's social care systems.

Rule of law

7. Equality before the law is a fundamental tenet of the rule of law. One of the striking things about the effect of Clauses 29-33 is that it will create a patchwork of duties to vulnerable children, enabling as it does an individual local authority to be exempted from a legal

obligation, while its neighbouring authority will remain subject to that same duty. The exemption will often not result from any difference in the needs of children in the area of each authority, or the authorities' respective resources, but simply from the desire of government (local and/or central) to "test different ways of working".

8. There is a significant risk that regulations laid under these clauses, particularly were they to exempt a local authority from a substantive statutory duty, will give rise to arbitrary and unjustifiable distinctions between the treatment of similarly placed children who happen to live in, be educated in, or simply be present in, the areas of different local authorities. Substantive duties include the requirement under s17 of the Children Act 1989 for local authorities to safeguard and promote the welfare of children within their area who are in need; the duty to accommodate a child in need in certain circumstances under s20; and the duty to investigate whether action is necessary to safeguard or promote the child's welfare under s47. Arbitrary distinctions have the potential to violate the prohibition of discrimination in the exercise of Convention rights under Article 14 of the European Convention on Human Rights (ECHR); the prohibition of discrimination in Article 2 of the UNCRC; and the common law principle of equal treatment.

9. The importance of a national legislative framework in children's social care was acknowledged by the DfE this summer, in its leaving care policy document. This discusses the development of statutory requirements in leaving care and explains:

"Before the Leaving Care Act (2000), there was no statutory framework in place for care leavers, with each local authority determining what level of support it provided. With no nationally-set expectation about what was an adequate level of support, many care leavers received only minimal assistance."[8]

Democratic process

10. We are very concerned that administrative processes to implement Clauses 29-33 appear to have been established <u>before the legislation has passed</u>.

11. Six local authorities were selected by the Government to become 'Partners in Practice' in December 2015. David Cameron said these high-performing local authorities would be given "academy style freedoms".[9] In April 2016, the next phase of children's social care innovation funding (£200million, 2016-20) was announced. The Chief Social Worker for Children and Families, Isabelle Trowler, shared on Twitter on 3 October that three local authorities (Hampshire, Leeds and Lincolnshire) have "detailed plans" for using the 'power to innovate'.[10] FOI requests were lodged immediately with each of the three local authorities.

12. Hampshire has not yet responded;[11] Leeds has refused to release any information, relying on the s43(2) exemption in the Freedom of Information Act 2000, which protects commercial interests;[12] and Lincolnshire has released a council scrutiny report dated September 2016 proposing a "partnership agreement" with the DfE which would, among other things, permit it to test out deregulation with its looked after children (see below). It is not clear whether

Ministers have yet made funding decisions in respect of Clauses 29-33. The Spring Consortium is the delivery partner for DfE children's social care innovation funding. Its website advises, "We hope to make funding available from the summer of 2016".[13] It is not evident at what stage Ministers expect to receive advice from Spring Consortium to fund children's social care deregulation projects – before or after local consultation with safeguarding partners and relevant agencies (Clause 31)? Before or after the Secretary of State has received any written advice from the expert panel proposed by Lord Nash's amendment no. 61?

13. A further query surrounds the involvement of the Chief Social Worker for Children and Families in funding arrangements. Isabelle Trowler is one of four members of the Spring Consortium Investment Board, which advises Ministers on which innovation projects to fund. The National Audit Office's recent report on the DfE's handling of Isabelle Trowler's potential conflict of interest found that the company of which she was a former director has been awarded considerable DfE grants and contracts, including from the innovation programme.[14] If the Chief Social Worker recuses herself from discussions where bids involve her former company (she has a "close and personal relationship" with the sole remaining director of Morning Lane Associates), this raises the prospect of analysis taking place without the expert input of a social care professional. The Chief Social Worker is the only social care professional on the Investment Board.[15]

Bright-line rules

14. Much of children's social care law creates bright-line rules, which provide justified legal certainty for this very vulnerable group of children and care leavers. The lines which have been drawn seek to strike a balance between the protection of vulnerable children and young people and respect for family life and the privacy and autonomy of families. We consider it shameful that the Government (whether intentionally or not) portrays the whole statutory scheme for this group of children as red-tape and bureaucracy. Law cannot be made for each unique child and their individual circumstances. In Committee, Lord Nash gave the anecdote of a child leaving custody to live with his grandmother, the implication being that he or she did not require continuing local authority review and offers of support.[16] Based on the evidence, and having to strike the balance, Parliament decided in 2012 that children remanded to custody are sufficiently vulnerable *as a group* to require looked after status, and all of the protections this affords (though the Act permits modifications in statutory requirements).[17] In his recent evidence to the Joint Committee on Human Rights, Dr. Roger Morgan OBE, who was Children's Rights Director between 2001 and 2014 (after which his statutory functions were subsumed into the Children's Commissioner's duties), explains:

"I wish to stress the importance of specific provisions within existing children's social care legislation in the protection and preservation of the rights of children. For example, in my experience of working with children in care, an area of practice that can very easily and frequently go wrong for a child in care is that of placement. The detail of the requirements in primary and secondary legislation offers vital protection against poor practice and loss of

children's rights in the way a placement is decided and made."[18]

15. We believe the availability of funding to test deregulation encourages local authorities to search out and find individual children who fall on the wrong side of bright-line rules, with obvious and considerable dangers for the very large numbers of children who Parliament and policy makers have formerly determined require the protections guaranteed by the law. We are not advocating that children's law should remain untouched, unchanged or unchallenged. What we are deeply concerned about is the adhoc removal of vital protections which have been carefully crafted over many decades. Local authorities have many channels open to them to influence children's legislation and national policy and the DfE's October 2016 policy statement concedes that innovation is already permitted within the law. What the Localism Act 2011 does not allow is innovation *outside the law*.[19] Moreover, it may not be an obvious solution to local authorities who believe domestic law requires them to intervene in a child's life, to the detriment of the child's human rights, but they, like NGOs, have the option of judicial review proceedings if they believe that statutory requirements are incompatible with a child's Convention rights in any particular case.

Origins in education policy

16. The DfE stated in its memorandum to the Delegated Powers and Regulatory Reform Committee that Clause 29 is "modelled in large part" on education law.[20] Part 1 of the Education Act 2002 permits exemptions to legislation in order to "contribute to the raising of the educational standards achieved by children in England". The Secretary of State is required to publish an annual report when exemptions have been made. In every annual report between 2003 and 2010, the DfE stated that exemptions were not required by schools and local education authorities in order to innovate.[21] Only 32 orders were made during a seven-year period and none have been issued since the Academies Act 2010.[22]

17. Notwithstanding the reality that exemptions proved to be unnecessary in education, the DfE has not in any of its documents answered the following crucial question:

> How do exemptions from statutory requirements concerned with the organisation and policies of schools relate to the state's obligations to children in need of care, protection and support?

18. Our country's most vulnerable children and young people rely on social care duties for care, protection and support. Deregulation in social care involves exponentially more risk than in education. A school with 1,000 pupils aged under 16 includes, on average, 11 children known to have been the victim of abuse or neglect offences.[23] For every 1,000 looked after children, 600 are known to have been abused or neglected.[24] The National Audit Office reports that 50% of 22 year-olds in the general population live with their parents, yet one-third of children leaving care in 2013/14 did so before their 18th birthday. For that same period, 19 year-old care leavers were almost three times more likely not to be in education, employment or training than all young people this age.[25]

Financial context

19. A study for the DfE, published in July 2016, showed that spending on each child in care fell by 4% in the average council between 2010 and 2014.[26] Last month, the National Audit Office reported that the rate of children subject to local authority protection plans has almost doubled over the past 10 years.[27] Yet, the study for the DfE found an overall 9% reduction in council spending on children's services in the four years to 2014. Councils told researchers they could not cut any deeper because "they had to meet statutory responsibilities".[28] The Local Government Association recently reported a funding gap of £1.9 billion in children's services by 2019/20. These serious pressures create a favourable political environment for deregulation, whereby desperately stretched local authorities will be able to reduce their statutory duties (and therefore their financial commitments) as well as attract 'innovation' funding.

Long-term impact on policy-making

20. The DfE's 'Putting Children First' document, published in July, makes it clear that Ministers intend to use exemptions in one or more local authorities as a means of testing whether statutory obligations can be removed or changed across the whole country:

"[Exemptions to statutory obligations] would create a controlled environment in which we could enable local authorities to test deregulatory approaches that are not currently possible, before taking a decision to make substantial changes to existing legislation that would apply across the board [emphasis added]."[29]

21. This could have huge ramifications for policy development in the future, with the risk that consultations with those who use and deliver services across the whole country will be replaced by Government-funded projects in single local authorities. We can already see the negation of evidence by Government, since consultations and/or independent research have been undertaken within the past five years in all of the policy areas proposed to date for legal opt outs. The recently published final evaluation of the 'Troubled Families' programme raises important questions about 'payment by results' and how this can encourage "perverse incentives".[30] The same bias may be anticipated for the withdrawal of statutory requirements: how easy will it be for local authorities to admit that deregulation in their area has had a negative effect on vulnerable children? There is no requirement in the Bill for independent evaluation.

How might exemptions be used?

22. The Department for Education's May 2016 memorandum to the Delegated Powers and Regulatory Reform Committee sets out two possible uses of the power.[31] The first concerns removing the 16-week time-limit for the assessment and approval of family and friends as foster carers for looked after children. The regulations already permit an 8-week extension of this time frame so long as the local authority has considered whether the placement continues to be the most appropriate placement available, has sought the views of the fostering panel and has notified the child's independent reviewing officer (IRO).[32] This

information is not included in the memorandum. It is also relevant that the Government consultation which preceded these particular regulations found that most respondents supported the 8-week time extension (only to be used "in exceptional circumstances"[33]) for family and friends carers, "however, it was also felt that the extra time proposed may bring safeguarding issues into question".[34]

23. The second example in the May 2016 memorandum is the removal of care leaver entitlements from children remanded to custody. The DfE stated, "There is a power under s104(2) of [the Legal Aid Sentencing and Punishment of Offenders Act 2012] to disapply the requirements of legislation applicable to looked after children, but not in relation to adult care leavers". Peers will recall that s104 was introduced as a result of an acceptance that children who are remanded in custody are likely to be particularly vulnerable. There was a detailed consultation about amendments to the Care Planning Regulations to take account of the different circumstances of children who become looked after only because they are remanded in custody. The Government's response to that consultation concluded that the requirements were sufficiently "light touch":

"We have taken the view that the approach we are taking forward allows scope for professional judgement. It permits a 'light touch' in cases where remanded young people can rely on support from their families and other services when the remand ceases. It will, however, require local authorities to offer more intensive help, where they assess that the child lacks access to suitable accommodation and assistance when the remand ceases, whether or not the child goes on to receive a custodial sentence."[35]

24. At Second Reading, in June, Lord Nash gave two further examples of how legal opt outs might be applied: the withdrawal of IROs from "low risk cases" and removal of the duty to establish fostering and adoption panels.[36] These two examples were repeated in the DfE's policy statement published last month, which stated that Hampshire County Council is seeking to use IROs "in a much more targeted way", meaning the local authority would require a derogation from the Children Act 1989. The Act requires local authorities to appoint an IRO to every child they look after.[37] Peers will recall that these statutory roles evolved from judicial concern about the lacuna of protection for vulnerable children following the Human Rights Act 1998.[38] Moreover, during the passage of the Children and Families Act 2014, Children's Minister Edward Timpson said: "The independent reviewing officers have an extremely important role in scrutinising and challenging care plans for children in care".[39] Until this Bill, there was no policy proposal that IROs become a safeguard for only some, rather than all, looked after children. During 2012, 60 Directors of Children's Services (or their nominated managers) completed a National Children's Bureau survey about IROs. They indicated their priorities for IROs, with a ranking of 1 for low priority through to 8 for high priority:

a. Quality assurance care planning was ranked 7.7
b. Ensuring children's wishes are considered was ranked 7.6
c. Challenging practice in individual cases was ranked 7.4
d. Scrutiny of care planning overall was ranked 7.1

e. Ensuring children are aware of advocacy was ranked 6.9[40]

25. Hampshire is also seeking to derogate from the requirement that all disabled children who have single short breaks lasting 17 days or more, or short breaks totalling 75 days or more in a year, be entitled to a care plan, local authority visits and reviews of their care and progress (the regulations allow modifications in safeguards for disabled children having shorter breaks). The Council for Disabled Children and DfE explain that the 75-day period was arrived at following a national consultation (the threshold was 150 days between 1991 and 2011):

"The clear majority of respondents thought that if a child was living away from home for nearly a third of the year he should be seen as a looked after child without the easements in planning requirements which apply to children using short breaks."[41]

26. North Yorkshire County Council is seeking to derogate from regulations relating to adoption and fostering panels and the assessment of family and friends as carers for looked after children. The statutory functions of adoption and fostering panels include assessing the suitability of and approving foster carers[42] and adoptive parents.[43] In 2012, the coalition Government consulted on reducing the membership of adoption and fostering panels, claiming too many members caused delay. The proposal was overwhelmingly rejected and the Government said it would not reduce membership of the panels.[44] Now Ministers appear prepared to fund and support North Yorkshire to test out decision-making without panels. On the assessment of family and friends carers, the document does not specify whether the local authority seeks to dispense with the assessment process altogether or to permit even longer than 24 weeks for the completion of a full assessment. The May 2016 final overview report of serious case reviews (where children have died or been seriously harmed and abuse or neglect is known or suspected, therefore engaging Articles 2, 3 and 8 of the ECHR) emphasises the importance of rigorous and comprehensive assessments.[45]

27. Lincolnshire County Council recently released a report setting out its proposed "partnership agreement" with the DfE, dated September 2016.[46] It is not clear whether this means it has successfully obtained funding from the DfE for testing deregulation. The document includes a proposal to work outside s17 of the Children Act 1989 and possibly s47. The report is limited in evidence (no data is included); it fails to provide precise details of the legislative requirements it seeks to be exempt from; and it does not cite any consultation with local children, families or professionals. It would appear, from the information contained in the published report, that the important practice changes the local authority seeks in respect of early help and child protection are <u>perfectly possible within current legislation</u>. Lincolnshire also seeks "a flexible, proportionate system towards care planning based on a child's needs" for "the majority of looked after children". It seeks derogations in respect of children's statutory reviews and the duty to appoint an IRO to every looked after child. The local authority states, "Too many looked after children tell us that they do not enjoy attending their statutory reviews and that they find the process intimidating, with too few engaged". This is not consistent with the latest Ofsted inspection report on this local authority, which

observes: “Statutory reviews are chaired well in a style that ensures that all relevant matters are considered whilst also delivering the meeting in a style that supports and encourages input from the child, their family and carers, and other professionals”.[47]

28. There are several other proposals, which have been shared in meetings and elsewhere. This includes a trial of children in long-term foster care surrendering their statutory entitlement to have a social worker who visits them twice a year.[48] We are acutely aware that, should Clauses 29-33 pass, any form of deregulation in any part of the country affecting any vulnerable child will be possible.

Government amendments

29. The Children’s Minister Edward Timpson recently informed Parliament that the Children’s Commissioner supports Clause 29.[49] The Children’s Commissioner is one of only two named individuals (the other being Ofsted’s Chief Inspector) who must be consulted by the Secretary of State before she lays exemption orders before Parliament, according to Clause 31(2) of the Bill. This position is not improved by Lord Nash’s amendment no. 61, which simply places the two post holders onto an expert panel (with one or more other persons consulted on each request, as in the original duty). One of the procedural concerns communicated by the Children’s Commissioner to Lord Nash relates to the potential for conflicting views between herself and Ofsted’s Chief Inspector.[50] We therefore believe the creation of an expert panel, with these two roles as the only two permanent members, could prove more convenient to Government and reduce the extent of rigorous external scrutiny.

30. Lord Nash’s amendment no. 59, which specifies that exemption orders will be subject to the affirmative resolution procedure if they relate to Acts of Parliament and to statutory instruments themselves introduced by this procedure, does not allay any fears. The vast majority of safeguards for looked after children are contained in regulations, which were introduced by the negative resolution procedure. In any case, as we highlight above, the affirmative procedure cannot guarantee children’s vital rights will be robustly defended. Lord Judge explains:

“Concentrating on the Commons, as that is where power must lie, between six and ten statutory instruments are laid before the relevant committee daily when it is in session, with even more each day during the last session. The sittings of the relevant committee do not often last longer than ninety minutes.”[51]

31. The time for Parliamentary defence of children’s rights is now: we ask Peers to reject Clauses 29-33.

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[1] The full list can be viewed here: https://togetherforchildren.wordpress.com
[2] The petition can be viewed here: https://you.38degrees.org.uk/petitions/protect-the-rights-of-vulnerable-children-and-care-leavers
[3] Department for Education (19 May 2016) Memorandum concerning the Delegated Powers in the Bill for the Delegated Powers and Regulatory Reform Committee, p. 13.
[4] The lecture, delivered at Kings College London on 12 April 2016, can be read here: https://www.kcl.ac.uk/law/newsevents/newsrecords/2015-16/Ceding-Power-to-the-Executive---Lord-Judge---130416.pdf
[5] UNISON (November 2016) What about the children? A UNISON report on social work reform in England, pp 3-4.
[6] The UN Committee on the Rights of the Child and domestic courts have been clear that Article 3 best interests assessments cannot be reached without the views of the child. See for example *Mathieson* http://www.bailii.org/uk/cases/UKSC/2015/47.html and the Committee's General Comment no. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration.
[7] Delegated legislation: frequently asked questions, December 2015: http://blog.hansardsociety.org.uk/delegated-legislation-frequently-asked-questions
[8] HM Government (July 2016) Keep on caring. Supporting young people from care to independence, paragraph 1.1.
[9] HM Government press release, 14 December 2015: 'We will not stand by – failing children's services will be taken over'.
[10] https://twitter.com/IsabelleTrowler/status/783036717007790080
[11] The FOI request was made by Allan Norman, a social worker and non-practising solicitor: https://www.whatdotheyknow.com/request/children_and_social_work_bill_pl_2
[12] https://www.whatdotheyknow.com/request/children_and_social_work_bill_pl#incoming-888292
[13] http://springconsortium.com/about-the-programme/faqs/
[14] The National Audit Office's report, 'Investigation: the Department's management of a potential conflict of interest', was published on 26 October 2016: https://www.nao.org.uk/wp-content/uploads/2016/10/11298-001-Conflicts-of-interest-at-DoE.pdf
[15] In June 2014, the DfE selected the Spring Consortium as its partner for delivering the innovation programme. Its Investment Board, which advises Ministers on which projects to invest in, has four members: Clive Cowdery (Chair) who is "Founder of The Resolution Group, a financial services investor which has specialised primarily in sponsoring insurance vehicles"; Emma Davies who **"**is an Investment Principal at the Wellcome Trust, responsible for part of the Trust's directly managed equity portfolio"; Alfred Foglio who "is one of the Managing and Founding Partners of GI Partners in Europe, which was established in 2001"; and Isabelle Trowler, the Chief Social Worker for Children and Families. Information obtained from: http://springconsortium.com/about-the-programme
[16] 11 July 2016, column 51.
[17] Section 104, Legal Aid, Sentencing and Punishment of Offenders Act 2012.
[18] Dr. Morgan's evidence can be found here: http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/childrens-rights/written/40538.pdf
[19] Power to test different ways of working – policy statement, issued by the Office of Chief Social Worker for Children and Families, Department for Education, on 11 October 2016.
[20] Department for Education (19 May 2016) Memorandum concerning the Delegated Powers in the Bill for the Delegated Powers and Regulatory Reform Committee, p. 9: *"The power is modelled in large part on existing powers under Part 1 of the Education Act 2002"*.
[21] DfE education 'power to innovate' annual reports 2003-2010 can be found here: http://webarchive.nationalarchives.gov.uk/20130123124929/http://www.education.gov.uk/schools/leadership/schoolperformance/a0014624/power-to-innovate
[22] DfE education 'power to innovate' annual reports 2003-2010 can be found here: http://webarchive.nationalarchives.gov.uk/20130123124929/http://www.education.gov.uk/schools/leadership/schoolperformance/a0014624/power-to-innovate
[23] Bentley, H., O'Hagan, O, Raff, A. and Bhatti, I. (2016) How safe are our children? The most comprehensive overview of child protection in the UK 2016. London: NSPCC, pp 26 and 30. This is the rate of sexual offences and cruelty (including assault and neglect) offences committed against children in England.
[24] Department for Education (September 2016) Children looked after in England (including adoption) year ending 31 March 2016.
[25] National Audit Office (July 2015) Care leavers' transition to adulthood, pp 6-7.
[26] Aldaba and the Early Intervention Foundation (July 2016) Children's services: spending and delivery. Research report, p. 13.
[27] National Audit Office (October 2016) Report by the Comptroller and Auditor General. Department for Education. Children in need of help or protection, p. 5.
[28] Aldaba and the Early Intervention Foundation (July 2016) Children's services: spending and delivery. Research report, p. 36.

[29] Department for Education (July 2016) Putting children first, para' 72. The Department for Education's memorandum to the Delegated Powers and Regulatory Reform Committee, in May 2016, was more circumspect, stating that "the trialling and evaluation of deregulatory measures ... could then lead to future changes in legislation".
[30] Department for Communities and Local Government (October 2016) National evaluation of the Troubled Families Programme. Final synthesis report, p. 69.
[31] Department for Education (19 May 2016) Memorandum concerning the Delegated Powers in the Bill for the Delegated Powers and Regulatory Reform Committee, pp 11-12.
[32] The expiry to temporary removal (which can be for up to 16 weeks) is contained in Regulation 25, The Care Planning, Placement and Case Review (England) Regulations 2010.
[33] Department for Children, Schools and Families (November 2009) Care planning consultation document.
[34] Department for Children, Schools and Families (March 2010) Care planning, placement and case review. Summary consultation responses, p. 8.
[35] Department for Education (April 2013) Local authority responsibilities towards children looked after following remand: consultation on changes to the Care Planning, Placement and Case Review Regulations 2010. Government response, paragraph 38.
[36] Second Reading, 14 June 2016.
[37] Section 25A Children Act 1989.
[38] The background to IROs is set out in statutory guidance: Department for Children, Schools and Families (2010) IRO handbook. Statutory guidance for independent reviewing officers and local authorities on their functions in relation to case management and review for looked after children, p. 7.
[39] House of Commons Justice Committee (December 2012) Pre-legislative scrutiny of the Children and Families Bill, paragraph 89.
[40] Jelicic, H., Hart, D., La Valle, I. with Fauth, R., Gill, C. and Shaw, C. (August 2013) The role of independent reviewing officers (IROs) in England. Findings from a national survey. National Children's Bureau, pp 41-42.
[41] Council for Disabled Children and Department for Education (2011) Short breaks: statutory guidance on how to safeguard and promote the welfare of disabled children using short breaks. Frequently asked questions.
[42] Regulation 25, The Fostering Services (England) Regulations 2011.
[43] Regulation 30A, The Adoption Agencies Regulations 2005 (as amended by The Adoption Agencies (Miscellaneous Amendments) Regulations 2013).
[44] Department for Education (May 2013) Consultation on adoption and fostering: tackling delay. Government response, p. 51.
[45] Sidebotham, P. Brandon, M., Bailey, S. et al (May 2016) Pathways to harm, pathways to protection: a triennial analysis of serious case reviews 2011 to 2014. Final report. Department for Education, see especially pp 171-173.
[46] This was a Freedom of Information Act release:
https://www.whatdotheyknow.com/request/children_and_social_work_bill_pl_3
[47] Ofsted (January 2015) Lincolnshire County Council. Inspection of services for children in need of help and protection, children looked after and care leavers and review of the effectiveness of the local safeguarding children board, paragraph 89.
[48] This proposal was made by Andy Elvin, the chief executive of the UK's largest fostering and adoption charity TACT:
https://www.theguardian.com/social-care-network/2016/jul/18/children-and-social-work-bill-workforce-services
[49] House of Commons Hansard, Looked-after children/social work reform, 20 October 2016: Column 414WH.
[50] Children's Commissioner's oral evidence to JCHR, Wednesday 14 September 2016.
[51] https://www.kcl.ac.uk/law/newsevents/newsrecords/2015-16/Ceding-Power-to-the-Executive---Lord-Judge---130416.pdf