

**HANSARD – HOUSE OF LORDS  
GRAND COMMITTEE**

***Children and Families Bill***

**Report (1st Day) - 9<sup>th</sup> December 2013**

**Baroness Young of Hornsey:** My Lords, in speaking to Amendment 10, I, like other noble Lords this afternoon, place on record how grateful I am for the help of the Minister and his officials in trying to get to grips with this issue of access to records for care leavers, especially as it was not originally part of the Bill. I understand why we needed some considered negotiations around the subject. I found those very useful, as did my colleagues from the access to records campaign group, which comprises professionals from the Care Leavers' Association, the British Association for Adoption and Fostering, the Association of Child Abuse Lawyers, the Child Care History Network, the Post Care Forum and Barnardo's. It is also supported by the fostering and adoption charity, TACT.

Some of the key issues that this amendment seeks to address are the lack of consistency across the country's local authorities in the way they deal with giving access to records to care leavers, and also, importantly, how they deal with the issue of redaction of those records. A number of care leavers gave us evidence of how they received notes from their past which were essentially incomprehensible because of the amount of redaction that had taken place. Again,

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that seems to depend on whereabouts you live in the country. That should obviously not be the case. In the amendment, we call for clear, effective statutory guidance and the opportunity for care leavers to access support once they have accessed their records.

That is another important point. I am not sure that all noble Lords are aware how difficult that experience can sometimes be for people. It does not matter what age you are. This is not just for young people

who have recently left care. Many older people also have that experience. At the moment, no kind of support is necessarily offered to them. Of course, care records must be properly maintained and every effort made to trace records from decades ago as well as more recent ones. That ties in to my earlier point about the ages of people seeking their records. In fact, colleagues at the Care Leavers' Association say that the average age of those seeking its help in looking for their records is around 35 and goes up to a 90 year-old—who found her records, triumphantly. Whatever age you are when you eventually get your records, if you are fortunate enough to do so, the experience can be difficult.

During meetings with officials, it emerged that both the Minister—the noble Lord, Lord Nash—and the Minister for Children and Families agreed that the current wording on access to records in the care planning statutory guidance could be strengthened. Colleagues from the access to records campaign and I have worked with officials on that particular subject. It is also my understanding that Ministers have agreed to work with us on a programme to ensure that front-line managers and staff are aware of the new guidance. Again, that was raised earlier this afternoon in relation to how statutory guidance is used and the extent to which people take it seriously. We need to ensure that they do—once we have, as I hope, developed some new guidance in this area.

That activity will include supporting a round table for local authorities and voluntary sector organisations, and sending messages via the department's various communication routes to relevant bodies which can raise that issue with their local authorities and make sure it is firmly on the agenda. We also understand that officials have spoken to the National Care Advisory Service, which runs the National Leaving Care Benchmarking Forum for managers. It said that it would be happy to run a session where the managers talk about how to improve their local practice, based on the proposed revised guidance and best practice. Could the Minister confirm my understanding of that? Also, would he be prepared to ensure that the voice of older adult care leavers is heard during all consultation processes and that an assessment of the effectiveness of strengthened statutory guidelines is carried out?

**Baroness Hamwee:** I support Amendments 9 and 10. When the noble and learned Baroness was talking, I remembered that when she was meeting children—she shared with the House some of their moving comments—I was in the next room meeting the carers, mostly

social workers. When we talked about contact generally, not just with siblings, several of them said that the problem lay in adopters not wanting to know, preferring to see their children as part of the new family and wanting to leave the past behind. Therefore I take very seriously the point that she and other noble Lords have made about the importance of having this in the legislation. Guidance has not been enough and I do not see that it will be enough.

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In support of Amendment 10, in Committee the noble Baroness, Lady Young, gave such an important explanation of the need to know one's identity that, without wanting to embarrass her, I feel it should be framed. It said a lot about the specific issue about which I was concerned, about descendants of adopted people and, as she has just mentioned, the need of older adults to know about their heritage and background. What she has said seems in line with adoption practice and with Amendment 1, which we have agreed. It is an important way to move practice forward though statute.

### **Government Response by Baroness Northover (LD):**

Amendment 10 was tabled by the noble Baroness, Lady Young. It is on access to records for care leavers. Having considered the issue further following the debate in Committee, we recognise that we need to improve the statutory guidance in this area. We thank the noble Baroness for her involvement in this. She gave her time very generously in facilitating meetings with officials and voluntary organisations. They have been very helpful for the department as we have drafted our new guidance. We would like to thank the voluntary organisations—the Care Leavers' Association, BAAF and Barnardo's—which took part in the meetings, for sharing their knowledge and expertise in this area. We especially thank the noble Baroness, Lady Young, for making sure that all these groups were brought together so that we could hear the case that they needed to make.

### **7.15 pm**

We would like to continue to work with them and others on finalising the revised guidance. The draft guidance is on our website, and we would welcome comments from noble Lords and others over the coming weeks. The revised guidance will emphasise the importance of good record keeping and the values and principles that should apply

when supporting people in accessing their records. I assure the noble Baroness, Lady Young, and my noble friend Lady Hamwee that this will apply to supporting care leavers of all ages. They made that point very cogently.

I know that the noble Baroness, Lady Young, is keen to ensure that the revised guidance, when finalised, is properly implemented, and we will make sure that those working in the sector are aware of it. As well as placing the guidance on our website, we will work closely with the National Care Advisory Service, which facilitates the National Leaving Care Benchmarking Forum of care leaver managers. I assure the noble Baroness, Lady Young, that we will also work with care leaver managers, independent reviewing officers and children in care councils to raise the priority given by local authorities to this issue.

In addition, in order to help embed the guidance in practice, we will participate in a round table with local authorities and the sector to discuss good practice on this subject, as the noble Baroness, Lady Young, suggested. We will also monitor what Ofsted inspection reports say about local practice on this important issue. I

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again express our appreciation to the noble Baroness, Lady Young. We hope she will continue to work with us and that she will not move her amendment in due course.

*Amendment 10 not moved.*