



# Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Lord Nash,  
Parliamentary Under-Secretary of State  
Department for Education  
Sanctuary Buildings  
20 Great Smith Street  
London SW1P 3BT

Wednesday 13 July 2016

*Dear Lord Nash,*

## ***Children and Social Work Bill***

The Joint Committee on Human Rights is currently scrutinising the Children and Social Work Bill in light of the requirements of human rights law.

The Committee is grateful to your Department for the detailed "Child rights impact assessment" and the ECHR Memorandum that it has provided summarising the Government's consideration of the Bill's provisions in light of the UN Convention on the rights of the Child and the ECHR. It is also grateful to the lawyers on the Bill team who made themselves available to meet the Committee's Legal Adviser.

The Committee notes those aspects of the Bill which have the potential to enhance the UK's compliance with various of its duties under human rights law to protect and support vulnerable children and young people, and which respond positively to some outstanding recommendations of the UN Committee on the Rights of the Child. However, I would be grateful if you could answer the following questions which will help my Committee with its scrutiny of the Bill's human rights implications.

The Committee will of course be taking into account, when scrutinising the Bill, the recent Concluding Observations of the UN Committee on the Rights of the Child published on 3 June, and considering whether the Bill provides an opportunity to make progress in responding to any relevant recommendations of the UN Committee.

### Giving better effect to the UNCRC in England

Q1: Will the Government consider following the lead given by Scotland and Wales in trying to give further and better effect to the UNCRC in England, by including in the Bill a duty on public authorities to have due regard to the UNCRC when exercising any of their functions in relation to children? If not, why not?

### Corporate parenting principles

Q2: Will the Government consider adding to the list of corporate parenting principles an express requirement that a local authority must also have regard, in relation to children under 18, to the UN Convention on the Rights of the Child and its Optional Protocols? If not, why not?

### Support for care leavers

Q3: Why do the proposed duties on local authorities to provide advice and support to care leavers (clause 3 of the Bill) depend on their being requested by the care leaver?

Q4: What additional resources will be available to local authorities to provide the further advice and support to care leavers for which the Bill provides?

Q5: Which provisions in the Bill will help to meet the specific concern recently expressed by the UN Committee on the Rights of the Child about care leavers "often having to live far away from their former carers" (Concluding Observations, para. 51(f))?

### Information sharing with Child Safeguarding Practice Review Panel

Q6: Was the Information Commissioner's Office consulted about the information sharing provision contained in clause 14 of the Bill before it was finalised?

Q7: If not, will the Government now discuss with the Information Commissioner's Office ways of amending the Bill to circumscribe the excessively broad scope of the power to require information sharing and to introduce safeguards against the risk of its arbitrary use to access personal data, and so bring it into line with comparable information sharing provisions in other statutes, for example by:

- including a threshold that the information requested must be both "relevant and necessary" to enable the proposed Child Safeguarding Practice Review Panel to perform its functions;
- qualifying the current absolute duty to provide information to the Panel by including exceptions for sensitive information (e.g. medical information, legally privileged material), subject to safeguards;
- providing a right of appeal to the Information Tribunal against a request for information?

### Innovations in children's social care

Q8: What safeguards will the Government introduce to ensure that exemptions from or modifications of requirements imposed by children's social care legislation (clause 15) do not risk leading to breaches of children's human rights under the ECHR and the UNCRC?

### Social workers

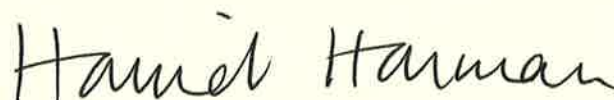
Q9: Will the Government undertake to publish a full ECHR memorandum accompanying the social worker regulations for which provision is made in clause 20 of the Bill, setting out in detail the Government's assessment of the compatibility of the regulations with the relevant rights in the Convention, to enable Parliament to scrutinise the human rights compatibility of the new regulatory regime for social workers?

Q10: Will the provisions in Part 2 of the Bill help the Government to give effect to the recent recommendations of the UN Committee on the Rights of the Child that the UK:

- "increase the number of social workers and strengthen their capacity to address violence against children" (Concluding Observations, 3 June 2016, para. 42(c)); and
- "take all measures necessary to provide stability for children in care, including efforts to retain social workers" (Concluding Observations, para. 52(e))

and, if so, please explain how.

It would be helpful if we could receive your reply by **29 July 2016**. I would also be grateful if your officials could provide the Committee secretariat with a copy of your response in Word format, to aid publication. I look forward to hearing from you.



Rt Hon Harriet Harman MP  
Chair