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Standing Committee B

The Committee consisted of the following Members:

Chairmen:

† Mr. Jimmy Hood, Mr. Mike Hancock

† Brooke, Annette (*Mid-Dorset and North Poole*) (LD)
† Cawsey, Mr. Ian (*Brigg and Goole*) (Lab)
† Coffey, Ann (*Stockport*) (Lab)
† Eagle, Maria (*Parliamentary Under-Secretary of State for Education and Skills*)
† Evennett, Mr. David (*Bexleyheath and Crayford*) (Con)
† Grogan, Mr. John (*Selby*) (Lab)
† Hughes, Beverley (*Minister for Children and Families*)
† Jackson, Mr. Stewart (*Peterborough*) (Con)
† Johnson, Ms Diana R. (*Kingston upon Hull, North*) (Lab)
Keeble, Ms Sally (*Northampton, North*) (Lab)
† Kidney, Mr. David (*Stafford*) (Lab)
† Loughton, Tim (*East Worthing and Shoreham*) (Con)
† Miller, Mrs. Maria (*Basingstoke*) (Con)
† Moran, Margaret (*Luton, South*) (Lab)
† Russell, Christine (*City of Chester*) (Lab)
Williams, Mark (*Ceredigion*) (LD)
† Wright, Jeremy (*Rugby and Kenilworth*) (Con)
Emily Commander, *Committee Clerk*
† **attended the Committee**

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**Tuesday 14 March 2006
(Morning)**

[Mr. Jimmy Hood in the Chair]

[Children and Adoption Bill \[Lords\]](#)

10.30 am

The Parliamentary Under-Secretary of State for Education and Skills (Maria Eagle): I beg to move,

That—

(1) during proceedings on the Children and Adoption Bill [*Lords*] the Standing

Committee shall (in addition to its first meeting at 10.30 a.m. on Tuesday 14th March) meet—

(a) at 4.00 p.m. on Tuesday 14th March;

(b) at 9.00 a.m. and 1.00 p.m. on Thursday 16th March;

(2) the proceedings shall be taken in the following order: Clauses 9 to 14; Clauses 1 to 4; Schedule 1; Clauses 5 to 8; Clause 15; Schedules 2 and 3; Clauses 16 and 17; new Clauses; new Schedules; remaining proceedings on the Bill;

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 4.00 p.m. on Thursday 16th March.

I begin, Mr. Hood, by saying how pleased we all are to serve under your chairmanship. I am sure that you will take your usual firm but cheerful approach to keeping us in order. I hope and trust that we will not need your guidance too often; we will do our best to stay in order without having to resort to your good offices. I look forward also to the excellent chairmanship of your co-Chairman, Mr. Hancock.

It is always a pleasure to open a debate on children. That is especially so today, given the high standard of debate on Second Reading, when we heard a wide variety of considered contributions. I look forward to hearing more in Committee. I see no reason why that should not be the case, and I am glad of the chance to consider the Bill in much greater detail. It was certainly the case when winding up that debate. I am sure that the hon. Member for Basingstoke (Mrs. Miller), who made her first wind-up speech then, thought that time passed rather quickly while she did so. I certainly think that that was the case. The Committee stage will give us the opportunity to consider the Bill's specific provisions in more detail.

I am pleased to say that the programme motion does not include any knives. Members of the Committee have no need to feel suspicious that some kind of manipulation is going on. That does not always make it easier for Ministers, but no one said that Committee work was intended to do that. However, it will enable all hon. Members fully to debate those points that they consider to be most important. In focusing on those aspects of the Bill, I hope that we can do them justice.

I am extremely pleased to share my role in Committee with my right hon. Friend the Minister for Children and Families. After a quick glance behind me, I see that we have an excellent team of knowledgeable Back Benchers, each of whom has shown a long-standing interest and commitment to children's matters in respect of this and other legislation. I shall leave it to the hon. Member for East

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Worthing and Shoreham (Tim Loughton) to say what he wishes about his Back Benchers; I look forward to hearing it.

Tim Loughton (East Worthing and Shoreham) (Con): I echo the Minister's words of welcome to you, Mr. Hood. I have not sat under your chairmanship for some while, so I may need to be reminded of how strict you can be. I look forward to Mr. Hancock sharing the chairmanship.

I reiterate what the Minister said about the well informed and well balanced debate on Second Reading. We may not agree on a lot of fundamental issues—I guess that we

still will not agree by the end of the Committee—but we will have aired our differences. We certainly have a well informed Committee to help us achieve that. I am particularly pleased to see the hon. Member for Stockport (Ann Coffey) in the Committee. She was a member of the pre-legislative scrutiny Committee on the Bill, and she built up a wealth of experience on children and adoption issues well before my time in the House.

Ann Coffey (Stockport) (Lab): I am not that old.

Tim Loughton: I speak of seniority of parliamentary experience, not necessarily age, I hasten to add.

I am delighted to be joined on the Front Bench by my hon. Friend the Member for Basingstoke, who had an excellent debut when she wound up on Second Reading and who has had to become an expert on things all things to do with children. I am pleased to welcome my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright). He brings his experience as a lawyer and barrister to the Committee, which means that, unlike in his previous career, he may speak for a long time but not necessarily be paid for it. I welcome also my hon. Friend the Member for Peterborough (Mr. Jackson). I understand that he is a Standing Committee virgin, so I hope that the Minister will be gentle with him. He will of course be kept in good order by my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett), who is doing the whipping. I am slightly disappointed that the hon. and learned Member for Redcar (Vera Baird) is not among our number. She played a vociferous role on Second Reading and has tabled amendments. Her presence will be felt, if not physically.

The subject is familiar territory to many of us. Those of us who served on the Committee that considered the Adoption and Children Act 2002 will see that some things that appear in this Bill are perhaps left over from that legislation, which is a good Act. It has achieved much on adoption and contains references to inter-country adoption, which forms part of this Bill. I am pleased that the inter-country adoption parts of the Bill are to be debated first, because coming at the end of the Bill they did not have the airing that they deserved in the upper House. They raise important issues and if we put them at the beginning of our deliberations we can do them the justice that they require.

I am also very pleased that the programme motion does not contain any knives. In the various pieces of legislation to do with children with which the Minister

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and I have been involved in recent months and years, we have shown that strict guillotines and knives are not required to promote good healthy debate in Committee, let alone on the Floor of the House. We intend to concentrate on aspects of the Bill that we think deserve a greater airing. The absence of knives enables us to do that for the benefit of all members of the Committee.

As you are aware, Mr. Hood, we are concerned that we do not have as many days in Committee as we had anticipated and requested through the usual channels. However, I understand that if our deliberations take longer than the four sittings allocated, we may be able to extend them into next week. I am grateful for the indication by the Government Whips that that facility will be available, even if it means that we will further detain you, Mr. Hood, and Mr. Hancock.

I am also concerned by the substantial number of amendments that have not been

selected for debate. By my reckoning, 20 Conservative amendments were not allowed, against 18 that were. I have never served on a Committee where so many amendments have not been selected, especially as the vast majority of them were debated in the upper Chamber. I hope that we can rely on a bit of licence from the Chair to refer to areas germane to the amendments that we had hoped to debate. Those matters will be relevant to clauses, and perhaps we can discuss them at the appropriate time, through the facility of the clause stand part debate.

We concentrated on the word “reasonable,” as associated with the mentions of contact, and it is not, strictly speaking, one of the things that we are going to debate. There are other such issues. I particularly hope that we can encompass within our debates on clauses this morning the amendment on private foster arrangements that I championed in previous Bills. It has not been selected, although it was debated in the upper Chamber. The provisions on inter-country adoption have a direct link to private fostering and the potential for it to expand. In the additional time that we might have to discuss the subject by giving priority to the international adoption clauses, I hope that I can refer to private fostering and the Bill’s implications for it.

Inevitably, much of the Bill is very complicated, as are most Bills that amend existing legislation—large swathes of the Bill are about amending the Children Act 1989. Much of it does not just tinker with odd words here and there and insert additional lines, but goes to the fundamental principles of what we think is a serious weakness in the whole system of contact in the courts. We therefore think that the system needs to be turned on its head and for the Bill to contain references to a presumption of reasonable contact, rather than presuming that that is what the courts are doing already and taking it as read.

If there were not a serious problem with the way in which the courts operate and children are treated when families break up, we would not have the Bill. Clearly there is a problem, which the Government have acknowledged and we have sought to highlight for some time. We therefore need to ensure that the Bill not only addresses that problem, but addresses it with

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effective practical solutions that will make a difference. Having a nice debate about the problems within the court system and coming up with a few solutions that are pretty toothless will not solve the problem, although it may assuage the consciences of Ministers who have been lobbied about it for some time.

I am also concerned that we should not address these amendments as legal anoraks. There are quite a few lawyers on the Committee. I am not a lawyer, I hasten to add. My training is in Mesopotamian archaeology, which is eminently more useful for parliamentary matters than training as a highly paid lawyer. There has been a feeling among people who view themselves as victims of the court system that there is a cosiness between the legal professionals and those concerned with the court, and that as long as the system appears to be working okay for them, then it is okay for everybody else.

The problem is that too many families are being failed by the system. We often quote a figure, which the Government challenge, and the figures vary. However, whether it is 40, 30 or 28 per cent., an awful lot of non-resident parents lose contact with their children within two years of a family break-up. That has enormous implications for the welfare of those children, let alone the sanity and well-being of the parents who suffer from traumatic and acrimonious splits. That is why we want to spend a lot of time on

the need for the presumption of reasonable contact to be written into the Bill.

Reasonable contact needs to be properly monitored and the whole court system needs to be speeded up so that if there is a dispute between parents, it is resolved as quickly as possible. The longer a dispute drags on, and the longer the children involved are frozen out of their relationship with the parent who does not have custody, the more likely it is that that relationship will suffer. It becomes a self-fulfilling prophecy that non-custodial parents are not up to looking after the children if that contact is lost and the children feel isolated from them.

We are all agreed, and I sure that you agree, too, Mr. Hood, that there is no better environment—

The Chairman: Order. I am trying to be as generous as possible with the hon. Gentleman, but will he come back to the programme motion? The disappointment that he expresses is a matter for him, but I am sure that he will not challenge the ruling of the Chair on the selection of amendments. I should point out, however, that many of the issues that concern him are covered in new clause 4.

Tim Loughton: Thank you, Mr. Hood. Of course I was not challenging the sagacity of the Chair in the selection of amendments; I was merely expressing my disappointment that we had to change our tactics and approach. I have made the points that I wanted to, and am grateful for the leeway that you have given me. What is important is that the Committee has time to explore the principles behind the Bill. The issues are large and there are sizeable differences between the

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Government and the Opposition. With the proviso that we hope that extra time will be added, we will not oppose the motion.

10.45 am

Annette Brooke (Mid-Dorset and North Poole) (LD): I am sure that serving on the Committee will be a great pleasure. Certainly, it is the first time that I have served under your chairmanship, Mr. Hood. I also look forward to the chairmanship of my colleague, Mr. Mike Hancock.

I should like to give the apologies of my hon. Friend the Member for Ceredigion (Mark Williams)—pronouncing his constituency is my first challenge of the day—for not being here. He is serving on another Committee.

I appreciate the reasons for putting the clauses relating to international adoption first, but I put down a marker that if I had had any idea of that I would have made sure that my researcher submitted our amendments on Friday. The decision presented difficulties for a smaller party, especially as the leading Committee member was tied up all day on Thursday. I hope that there will be some tolerance in our clause stand part debates because making up that deficit has clearly been impossible, since I did not discover that there was a problem until late yesterday afternoon.

I also have a slight issue with the fact that some amendments were not selected. I will make a few general points and keep in order, but I may need more guidance. I had reached the point at which I was confident in submitting amendments, knowing that the precise wording would be challenged, but that the principle could be debated. I understand entirely when amendments are ruled out of order because they are not

necessary, in the wrong order or in the wrong position in the Bill. That is crystal clear. However, I am not clear about the situation when something is ruled out because of the wording. Again, hopefully we can pick up the points in the clause stand part debate.

The Chairman: Order. I am sure that we will pick up many points as we proceed, but I am sure that the hon. Lady is not challenging the Chairman's ruling.

Annette Brooke: Of course not. I am hoping to get some support on tabling amendments, which would be helpful in the circumstances.

Briefly, because I appreciate, Mr. Hood, that you do not want long speeches at this stage, there are important principles to be discussed. I have listened carefully and have heard voices asking for something in the Bill that reflects what most people believe is desirable—contact with both parents. I look forward to discussing that principle. Liberal Democrat Members will make child safety our absolute priority.

Question put and agreed to.

The Chairman: I should like to remind hon. Members that adequate notice should be given of amendments, as a general rule. I and my fellow

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Chairman do not intend to call starred amendments, including any starred amendments that may be reached during an afternoon sitting.

Clause 9

Declaration of special restrictions on adoptions from abroad

Tim Loughton: I beg to move amendment No. 41, in clause 9, page 13, line 29, at end insert—

‘(c) prescribed organisations involved in adoption.’.

The Chairman: With this it will be convenient to discuss the following amendments: No. 42, in clause 9, page 13, line 33, after ‘country’, insert

‘to include regular reviews on why that declaration should still apply’.

No. 43, in clause 10, page 14, line 17, at end insert—

‘(c) prescribed organisations involved in adoption.’.

Tim Loughton: As I said, we are starting with overseas adoptions. The clause deals with the ability of the Secretary of State to deem that people from the UK cannot adopt children from certain countries.

Amendments Nos. 41 and 43 are worded in the same way and would add an additional consultee from

“prescribed organisations involved in adoption”

to the other named bodies that the Secretary of State is required to consult before issuing such an order. Amendment No. 42 would ensure that once a decision is made

it is reviewed regularly and not just forgotten about.

I shall talk generally about why the amendments are required and what I think that the Government are trying to do. We broadly support them in trying to firm up the law on abuses of inter-country adoption. The problem was brought into the public consciousness by the abuse of international adoption procedures in the wake of the tsunami, and by certain Cambodian adoption cases that have come to light. In July last year, Mr. Justice Munby ruled that the Government's existing ban on adoptions from Cambodia was lawful, and mentioned concerns about possible child trafficking and improper payments in the Cambodian adoptions system. It was suggested that one way of dealing with illicit adoptions from Cambodia would be to take up the offer from British embassy officials, who recommended that a special official could be posted in Cambodia to investigate the background of children matched with British couples to ensure that they were being adopted legitimately and not by people whose intentions were far from beneficial for those children.

The situation in Cambodia is rather sad. In the last year for which figures are available, there were 670,000 orphans under the age of 18—more than 5 per cent. of the population. Some 30,000 of those were AIDS orphans under the age of 15. The UN estimated that as many as 300,000 Cambodian children would become AIDS orphans by 2005. That is a very distressing figure and shows the problems that many countries, particularly developing countries, have with looking after orphaned children.

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It is worth pointing out that when we discussed international adoption in our proceedings on the 2002 Act, various measures were taken to tighten up the procedures by which children are brought into this country. Prospective adopters now have to apply through the local authorities or adoption agencies, receive certificates of eligibility, and so on. That Act tightened up the law, and the Secretary of State took powers to ban adoptions if they were "contrary to public policy"—I think that that was the wording.

At the time, the Minister who faced me during deliberations on that Bill—she is now the Minister for Schools—said, and we agree:

“We acknowledge that intercountry adoption can be an extremely valuable placement choice for some children. It is in line with international conventions to which we are a signatory.”

All of us recognise that overseas adoptions are beneficial in many cases, particularly where there are an awful lot of orphans who otherwise might be consigned to miserable existences. There is a problem, however, in that the number of overseas adoptions in this country is very low. The clause therefore appears to be trying to address a relatively small problem, and we do not want to throw out the baby with the bathwater.

Last year, there were approximately 25,000 adoptions internationally, of which 15,000 took place in the United States, which is by far the biggest adopter of overseas children. Other countries are some way behind that. France adopted 3,600 children from overseas and Norway adopted 600. Yet the figure in this country is only 300, and has been at about 300 for some time. As things stand, not many children from

overseas are actually adopted by UK couples into the UK.

The reasons for that are numerous. One may be that we have a slightly better domestic adoption system than France, where there is not so much domestic adoption. Part of the problem, however, is that adoption from overseas is a bureaucratic, long drawn-out, cumbersome and costly process. It can cost up to £10,000 to adopt a child from overseas and the system is already very tight.

I understand that the Secretary of State already has the power to ban countries from the adoption list, but clause 9 and the following clauses seek to formalise that arrangement. We agree with that, but unlike many other countries the UK has no adoption agency, and that is part of the problem—we rely on the Secretary of State to make the decision, in consultation with the Welsh Assembly and other United Kingdom bodies, whereas in other countries it would be made by a specialist international adoption agency with all sorts of expertise and input from professionals working around the world. That is a weakness, and unfortunately the Government have not taken on board the idea of separating out the powers of the Secretary of State into a separate international adoption agency in this country.

For that reason, it is all the more important that, if the Secretary of State is to ban a country for adoption purposes, he should do so with the maximum information available to him and after maximum consultation with all the powers that be. For obvious

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reasons, that list of consultees must include the National Assembly for Wales and the Department of Health, Social Services and Public Safety in Northern Ireland, as set down in clause 9(5)—we do not dispute that. Nowhere in the Bill, however, is the Secretary of State obliged to consult more widely.

In amendments Nos. 41 and 43, which could be termed probing amendments, we suggest that the Secretary of State should have an obligation to consult other named bodies that are skilled in adoption, and in particular international adoption. One such body is the British Association for Adoption and Fostering, with which all hon. Members are familiar, and there are other renowned, long-standing adoption agencies that have great experience of dealing with international adoption. They should be put on a list of bodies with which the Secretary of State should speak. We do not want a country put on a banned list just because some political furore blows up there.

Action should be taken purely in the interests of the child's welfare. That is what adoption is all about. It is not about the convenience of the parents, nor about helping the political system of a particular country, but about promoting the welfare of a child who happens to be overseas, rather than here, if it is deemed that a loving, adoptive family from the UK is capable of providing a better home.

11 am

As I said on Second Reading, the figures for the countries from which adoptions are made are pretty lopsided. Of the total number of international adoptions—about 3,000 in the past 10 years—1,441 or approximately half have come from China. Some 98 per cent. of those 1,441 were baby girls, which is a comment on the value that Chinese society places on them. I also mentioned that the figure for China is way ahead of the figure for the country from which the next highest amount of adoptions

come, which is India with 235. India is followed by Guatemala with 205, and the figure for Cambodia during the past 10 years is 67.

The amendments would ensure that the Secretary of State is absolutely convinced of his case before countries are put on the banned list. We must also be sure that if a country is placed on a banned list, whether it should stay on the banned list will be under constant review. At what stage will Cambodia, for example, be restored to the list of countries from which children may be adopted? The Minister might like to use that as a case in point, because Cambodia is the main country that has given rise to the proposed legislation. The situation applies also to Romania, although I think that Romania was banned by an EU decision rather than one instigated at home.

How much evidence is required to prove that the system is not working properly and that child trafficking, not genuine adoption, is taking place? Where will the burdens of proof be, and where will that information be found? It is slightly worrying that we need separate legislation to prevent child trafficking, because many other laws and regulations, which I hope are working, are aimed at preventing it. Border controls are better now, one hopes. Are they still not sufficient? I have serious qualms. The Conservative

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party tabled amendments to the recent Children Bill and to the Adoption and Children Bill about ensuring that minors who arrive at ports of entry unaccompanied by their parents or people with parental responsibility are looked at closely by immigration officials and local social services before being allowed on their way.

Gatwick airport is in West Sussex, and I am told by social services representatives there, who now work closely with immigration officials at the airport, that by far the largest amount of unaccompanied minors now arriving come from China. Too many of them then disappear into the system, ending up as goodness knows what—we do not know whether they are being trafficked or abused. A lot more must be done to ensure that those children are properly identified and that their subsequent journeys are properly logged.