



BRIEFING PAPER

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Progress and outcomes of selected social care and child support policy changes and consultations

By Tim Jarrett

Summary

This House of Commons Library briefing paper considers the progress and also the recent outcomes of Government consultations and policy changes related to social care and child support. It provides summary information, including the original rationale for the consultation, the original date and (if applicable) revised date of publication, action etc., and the latest position; for some topics, links to separate Library briefing papers providing further information are included.

The topics currently under review and covered by this paper include (ordered by when first announced):

- review of international child abduction law
- the carers' strategy;
- Sure Start Children's Centres (including the suspension of Ofsted inspections);
- the Green Paper on adult social care; and
- family justice review (specifically grandparents' contact with their grandchildren);

It also sets out details of recently completed consultations and policy changes in section 2, namely:

- surrogacy and parental orders for single people;
- updated child maintenance arrears and compliance strategy;
- the response to the Independent Inquiry into Child Sexual Abuse's (IICSA) report on child migrants.

1. Ongoing matters

1.1 Review of international child abduction law

Summary	<p>In the case of R (on the application of Nicolaou) v Redbridge Magistrates' Court,¹ the High Court "held that the father's act of retaining the child [overseas] did not come within the definition of section 1 of the Child Abduction Act 1984, in that 'take' and 'send' do not include 'retain' and thus there were no criminal penalties for him".²</p> <p>The Law Commission subsequently proposed amendments to the law to "criminalise child retention by parents or connected persons by amending section 1 of the Child Abduction Act 1984. This would provide a statutory solution to the Nicolaou problem", as part of a wider package of reforms in this area.³</p>
Format	An "interim response". ⁴ Any changes are likely to require legislation.
Date announced	4 December 2014
Manifesto commitment?	No
Stated in the Queen's Speech?	No
Original planned publication date	"In due course" ⁵
Revised date of implementation	"In due course" (as of July 2018) ⁶
Library briefing paper	International Child Abduction
Latest developments	The Ministry of Justice said in July 2018: "the Government has been considering the feasibility of the Law Commission's recommendations and aims to issue an interim response to the report in due course". ⁷

¹ [2012] EWHC 1647 (Admin)

² "[Child abduction changes](#)", The Law Society Gazette, 1 December 2014

³ Law Commission, [Simplification of Criminal Law: Kidnapping and Related Offences](#), Law Com No 355, HC 797 19 November 2014, p49, para 3.50 and p101, para 5.1

⁴ Ministry of Justice, [Report on the implementation of Law Commission recommendations](#), Cm 9652, July 2018, p18, para 84

⁵ [PO 216532 4 December 2014](#)

⁶ Ministry of Justice, [Report on the implementation of Law Commission recommendations](#), Cm 9652, July 2018, p18, para 84

⁷ As above, p18, para 84

1.2 Carers Strategy

Summary

In July 2015, the Government announced the development of a new carers' strategy "that looks at the best of international practice and examines what more we can do to support existing carers and the new carers we will need".⁸ From March to July 2016, the then Department of Health launched a call for evidence "to help us develop the strategy".⁹

Format	It was subsequently decided that no separate strategy was to be published (see below)
Date announced	1 July 2015 ¹⁰
Manifesto commitment?	No
Stated in the Queen's Speech?	No
Original planned publication date	"towards the close of 2016" ¹¹
Revised date of implementation	Action plan 2018–2020: published on 5 June 2018 Green Paper on social care: "at the earliest opportunity" ¹²
Library briefing paper	N/A
Latest developments	In December 2018, the Government said that the topic of carers would be included in the forthcoming social care Green Paper (see section 1.4), which would "include a focus on how society supports carers ... so that they are properly valued, recognised and supported to provide care in a way that supports their own health and wellbeing". ¹³ No separate national carers strategy will now be published. ¹⁴ In June 2018, the Carers Action Plan 2018–2020 was published, which set out "this Government's commitment to supporting carers through 64 actions across five priorities emerging from the carers' Call for Evidence". ¹⁵

⁸ Department of Health, [Personal responsibility](#), Speech, 1 July 2015

⁹ Department of Health, [How can we improve support for carers?](#), consultation, webpage accessed on 9 May 2018

¹⁰ Department of Health, [Personal responsibility](#), Speech, 1 July 2015

¹¹ [PQ 11991 19 October 2015](#)

¹² [PQ 199475 13 December 2018](#)

¹³ [PQ 196242 5 December 2018](#)

¹⁴ [PQ 128707 28 February 2018](#)

¹⁵ Department of Health and Social Care, [Carers Action Plan 2018 – 2020](#), June 2018, p7

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1.3 Children’s Centres, including the suspension of inspections

Summary	In September 2015, the Government announced it would “conduct a consultation in the autumn on the future of children’s centres, including their accountability arrangements”. It therefore suspended, “on a short term basis”, Ofsted’s requirement to undertake regular inspections of them. ¹⁶
Format	Consultation document
Date announced	September 2015
Manifesto commitment?	No
Stated in the Queen’s Speech?	No
Original planned publication date	Autumn 2015
Latest revised date	None stated
Lead department	Department for Education
Library briefing paper	N/A
Latest developments	<p>The Minister appeared to argue against a consultation in July 2018,¹⁷ and in August 2018 it was reported the consultation had been “shelved indefinitely”.¹⁸</p> <p>The Science and Technology Select Committee recommended that the Government should “specify if—and when—it intends to hold a consultation”.¹⁹ In response, the Government only noted that inspection arrangements continued in regard to early years provision and safeguarding, and that “ultimately, local authorities are responsible for managing children’s centres and ensuring the services they provide through children’s centres meet appropriate quality standards”.²⁰</p>

¹⁶ Department for Education, [Letter from the Parliamentary Under Secretary of State for Childcare and Education to the Chief Inspector \(Ofsted\)](#), 25 September 2015, p1

¹⁷ [HC Deb 24 July 2018 c290WH](#)

¹⁸ [“Children’s centre consultation ditched, confirms DfE”](#), Children and Young People Now, 10 August 2018, citing Science and Technology Select Committee, [Letter from Nadhim Zahawi MP, Department of Health and Social Care, and Jackie Doyle-Price MP, Department for Education](#), EYI0109, May 2018

¹⁹ Science and Technology Committee, [Evidence-based early years intervention](#), 2017–19 HC506, 14 November 2018, p35, para 64

²⁰ Science and Technology Committee, [Evidence-based early years intervention: Government’s Response to the Committee’s Eleventh Report of Session 2017–19](#), HC 1898 2017–19, 8 February 2019, p14

1.4 Adult social care Green Paper

Summary In the March 2017 Budget, the Government stated it would publish a Green Paper on social care.²¹ The Conservative Manifesto committed to its publication, and during the 2017 General Election campaign pledges were made to change how people pay for social care including a more generous, £100,000 means-test and a cap on lifetime social care fees.²²

Format	Green Paper
Date announced	March 2017
Manifesto commitment?	Yes
Stated in the Queen's Speech?	Yes
Original planned publication date	Summer 2017
Latest revised date	"at the earliest opportunity" in 2019
Lead department	Department of Health and Social Care
Library briefing paper	Social care: forthcoming Green Paper (England)
Latest developments	The Green Paper was due to be published by the end of 2018, but in December 2018 this was deferred to "the earliest opportunity" in 2019. ²³

²¹ [HC Deb 8 March 2017 c818](#)

²² Conservative Party, [The Conservative and Unionist Party Manifesto 2017 – Forward, Together: Our Plan for a Stronger Britain and a Prosperous Future](#), May 2017, p65 [from the Amazon website]

²³ [PQ 199475 13 December 2018](#)

1.5 Grandparents' rights to see their grandchildren

Summary	Being a grandparent does not of itself allow a person to apply for a child arrangements order (for contact or residence) without first gaining the leave (i.e. permission) of the court to apply. This is intended to filter out hopeless or vexatious applications. The independent "Family Justice Review" (commissioned by the then Government) recommended no change in this approach in its November 2011 report. ²⁴
Format	Unknown (previously a Green Paper)
Date announced	25 April 2017 ²⁵
Manifesto commitment?	Not explicitly – it stated "we shall explore ways to improve the family justice system" ²⁶
Stated in the Queen's Speech?	No
Original planned publication date	"Later this year" [i.e. 2017]
Latest revised publication date	None set.
Lead departments	Ministry of Justice and Department for Education
Library briefing papers	See Children: residence and contact court orders and related matters for parents, grandparents and others and also Children: Grandparents and others who require leave of the court to apply for access .
Latest developments	<p>On 21 March 2019 the Government stated that it was "developing significant reforms in both private and public family law individually, and consulting on them as appropriate, as an alternative to a Green Paper" – in effect scrapping the Green Paper on family law.²⁷</p> <p>It is not clear what form, or how swiftly (if at all), reforms to grandparents' contact with their grandchildren be will be brought forward.</p> <p>In February 2019, the Government said in respect of child arrangements orders (for contact) and grandparents that it "has acknowledged calls for reform. This is an important area on which we are reviewing options".²⁸</p>

²⁴ Family Justice Review, [Final Report](#), November 2011, p21, para 110

²⁵ [HC Deb 25 April 2017 498WH](#)

²⁶ Conservative Party, [The Conservative and Unionist Party Manifesto 2017 – Forward, Together: Our Plan for a Stronger Britain and a Prosperous Future](#), May 2017, p73 [from the Amazon website]

²⁷ [PQ 228670 21 March 2019](#)

²⁸ [PQ 217676 18 February 2019](#)

2. Recent policy changes and consultation outcomes

2.1 Remedial order to allow parental orders for single people (surrogacy)

Summary

A parental order transfers parental responsibility from a child's natural mother (and father, if applicable) to the child's surrogate parents.

The previous legislative position – that only couples could apply for a parental order – was found by the High Court in May 2016 to be incompatible with the European Convention on Human Rights (ECHR). The Government said in December 2016 it would introduce a remedial order to amend the existing legislation in order to allow single people to apply for a parental order.

The Government laid a draft remedial order to amend the existing legislation in November 2017. Following criticism from Parliament's Joint Committee on Human Rights,²⁹ a revised draft order was published by the Government in November 2018.

Following debate in both Houses, the remedial order (and associated regulations) came into force in the UK on 21 December 2018 to effect the changes.

Format	Remedial order (i.e. secondary legislation) with supporting regulations
Date announced	December 2016
Manifesto commitment?	No
Stated in the Queen's Speech?	No
Original planned date to be laid	To be introduced to Parliament in "early 2017" ³⁰
Actual implementation date	December 2018
Lead departments	Department of Health & Social Care/Ministry of Justice
Library briefing paper	Children: surrogacy – single people and parental orders (UK)

²⁹ Joint Committee on Human Rights, [Proposal for a Draft Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018](#), 2017–18 HC 645/HL Paper 86, 2 March 2018

³⁰ [HL Deb 14 December 2016 c1331](#)

2.2 Child maintenance arrears and compliance strategy

Summary

The previous child maintenance arrears and compliance strategy ran from 2012–2017.³¹ In December 2017, shortly before the strategy lapsed, the Government launched a consultation on a new strategy.³²

In July 2018, the Government published its response to the consultation, stating it would implement measures including allowing notional income to be calculated from assets, and the write off of certain arrears from legacy scheme cases.

The Child Support (Miscellaneous Amendments) Regulations 2018 brought the changes into effect in December 2018 (except those changes relating to welfare benefits and child maintenance).

Format	Policy document
Date announced	December 2017
Manifesto commitment?	No
Stated in the Queen’s Speech?	No
Date of implementation	December 2018, except those relating to recouping arrears from welfare benefits (when regular child maintenance is no longer being paid) for which the Government has said: “we plan to lay a further set of regulations in 2019”. ³³
Lead department	Department for Work and Pensions
Library briefing papers	Child maintenance: new steps to improve compliance and to allow arrears to be written off (UK excluding NI) Child maintenance: the multi-billion pound write-off of arrears on Child Support Agency cases (GB) Child maintenance: variations, including the new notional income criterion (GB) Child maintenance: enforcing payment of arrears (GB)

³¹ Department for Work and Pensions, [Preparing for the future, tackling the past: Child Maintenance – Arrears and Compliance Strategy 2012 – 2017](#), January 2013

³² Department for Work and Pensions, [Child Maintenance: a new compliance and arrears strategy](#), 14 December 2017

³³ [HL Deb 162GC 30 October 2018](#)

2.3 The Independent Inquiry into Child Sexual Abuse's (IICSA) report, "Child Migrant Programmes"

Summary	The IICSA's report, "Child Migrant Programmes", investigated the programmes permitted by the UK Government to send children to institutions or families overseas up to 1970. Many children were subjected to horrific abuse, and the Inquiry called for the Government to establish "a Redress Scheme for surviving former child migrants ... without delay ... Payments should start being made within 12 months". ³⁴
Format	Unknown
Date IICSA's report published	March 2018
Manifesto commitment?	No
Stated in the Queen's Speech?	No
Original planned publication date	February 2019 (recommended by the IICSA).
Publication date	February 2019
Lead departments	Department of Health and Social Care/Home Office
Library briefing paper	N/A
Latest developments	<p>In December 2018, the Home Secretary, Sajid Javid, said that "the Government will establish a scheme to ensure that former child migrants receive a payment as soon as possible in recognition of the fundamentally flawed nature of the historic child migration policy".³⁵</p> <p>In February 2019, the Government announced the details of the compensation scheme, including that "each eligible former child migrant will receive a payment of £20,000" and that "payments will be made to all former British child migrants, regardless of whether they suffered abuse".³⁶</p>

³⁴ Independent Inquiry into Child Sexual Abuse, [Child Migrant Programmes](#), 1 March 2018, pp vii and 150, para 4

³⁵ [HCWS 1213 19 December 2018](#)

³⁶ GOV.UK, [Payment scheme for former British child migrants](#), News story, 26 February 2019

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