



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 7 March 2013

For other Amendment(s) see the following page(s):
Children and Families Bill Committee 13-16

PUBLIC BILL COMMITTEE

CHILDREN AND FAMILIES BILL

Bill Esterson

Clause 1, page 1, line 10, leave out 'local authority foster parent' and insert 'foster parent (whether or not a local authority foster parent)'. 1

Bill Esterson

Clause 9, page 8, line 15, at end add— 2
'(3D) A person appointed by a local authority under subsection (3B) shall be responsible for oversight of the way in which pupil premium for children looked after by that authority is spent.'

Information sharing

Bill Esterson

To move the following Clause:— NC2

'Before the end of one year beginning with the day on which this Act receives Royal Assent, the Secretary of State must—

- (a) carry out a review of the benefits and risks to children, young people and their families of increased information sharing between front-line practitioners who provide services to them; and
- (b) publish a report of the conclusions of the review.'

Children and Families Bill, *continued*
Assessment and provision of adoption support services

Bill Esterson

NC3

To move the following Clause:—

- ‘(1) Part 1 of the Adoption and Children Act 2002 is amended as follows.
- (2) In section 4, leave out subsection (1) and insert the following new subsections—
- “(1) Subject to subsection (1A), a local authority must in each year offer an assessment of those persons’ needs for adoption support services to—
- (a) any of the persons mentioned in paragraphs (a) to (c) of section 3(1), or
 - (b) any other person who falls within a description prescribed by regulations (subject to subsection (7)(a)).
- (1A) Any requirement for an annual assessment under subsection (1) can be postponed for one or more years with the agreement of the persons concerned.
- (1B) Following any assessment under subsection (1) the local authority must—
- (a) provide the persons concerned with the findings of the assessment;
 - (b) specify in writing what services will be provided to meet these needs;
 - (c) explain in writing where the local authority is unable to provide services to meet identified needs; and
 - (d) keep a record of all unmet needs and the reasons for them.”’.

Continuity in the arrangements for the people with whom a child is to live

Bill Esterson

NC4

To move the following Clause:—

- ‘(1) In section 1 of the Children Act 1989, insert the following after subsection (2A)—
- “(2B) In any family proceedings, unless the contrary is shown, a court is to presume that continuity in the arrangements relating to the person or people with whom a child is to live will further the child’s welfare.”.
- (2) In section 22 of the Children Act 1989, insert the following after subsection (3)—
- “(3ZA) A local authority is to presume, unless the contrary is shown, that continuity in the arrangements relating to the person or people with whom a child looked after by that local authority is to live will help to fulfil its duty under subsection (3)(a) to safeguard and promote the welfare of that child.”’.

Long-term post-adoption and fostering support

Bill Esterson

NC5

To move the following Clause:—

Children and Families Bill, *continued*

‘A local authority must ensure that its adoption support services, special guardianship support services and fostering support services are provided in a way which is in the long-term interests of those for whom they are provided.’

Status, rights and remuneration of non-biological parents

Bill Esterson

NC6

To move the following Clause:—

- ‘(1) Before the end of one year beginning with the day on which this Act receives Royal Assent, the Secretary of State must—
- (a) carry out a review of—
 - (i) options for the professional recognition of carers who look after children who are not their biological children, to include foster parents, residential social workers and adoptive parents;
 - (ii) the status and rights of these carers; and
 - (iii) arrangements for the remuneration of these carers; and
 - (b) publish a report of the conclusions of the review.’

*Minimum four-day week requirement for special educational provision at further education institutions*Dr Julian Lewis
Caroline Nokes

NC7

To move the following Clause:—

‘Where an institution within the further education sector in England admits a young person aged under 19 for whom an EHC plan is maintained, it must deliver the special educational provision required by that young person on at least four days in every week in which that provision is delivered.’

Lisa Nandy
Mrs Sharon Hodgson

3

Clause 1, page 1, line 8, after ‘(9A)’, insert ‘Subject to subsection (9B)’.

Lisa Nandy
Mrs Sharon Hodgson

4

Clause 1, page 1, leave out line 9 and insert ‘satisfied that C should be placed for adoption—’.

Lisa Nandy
Mrs Sharon Hodgson

5

Clause 1, page 1, line 12, at end insert—

- ‘(9B) Before considering placing a child with a foster parent who has been approved as a prospective adopter, the authority must consider as part of the permanency plan for C, placement with carers who could become the child’s permanent carers where this is in C’s best interests.’

 Children and Families Bill, *continued*

Lisa Nandy
Mrs Sharon Hodgson

6

Clause 1, page 1, line 11, after ‘adopter’, insert ‘after a matching process has been conducted’.

Lisa Nandy
Mrs Sharon Hodgson

7

Clause 2, page 1, line 15, at end insert—
 ‘(1A) In subsection (4), after paragraph (f) insert—
 “(g) the child’s religious persuasion, racial origin and cultural and linguistic background, although this paragraph does not apply to an adoption agency in Wales, to which subsection (5) instead applies.”’.

Lisa Nandy
Mrs Sharon Hodgson

8

Clause 3, page 2, line 32, at end add—
 ‘(4) The Secretary of State must set out in writing the reasons for issuing a direction under subsection (1).
 (5) A direction given under subsection (1) will not come into effect until the Secretary of State has reviewed the decision to issue the direction on an application by the local authority upon whom the direction was issued.
 (6) If the Secretary of State is satisfied that the local authority is taking steps to remedy the reasons for issuing the direction, the Secretary of State may revoke all or part of the direction.’.

Lisa Nandy
Mrs Sharon Hodgson

9

Clause 6, page 4, leave out lines 27 to 35.

Lisa Nandy
Mrs Sharon Hodgson

10

Clause 7, page 5, line 27, at end insert—
 ‘(2A) In subsection (1), after paragraph (d) insert—
 “(e) his siblings (whether of the whole or half blood).”’.

Special guardianship support services: personal budgets

Lucy Powell

NC8

To move the following Clause:—

‘In Part 2 of the Children Act 1989, after section 14F (Special guardianship support services), insert—

“14G Special guardianship support services: personal budgets

(1) This section applies where—

Children and Families Bill, *continued*

- (a) after carrying out an assessment under section 14F, a local authority in England decides to provide any special guardianship support services to a person (“the recipient”), and
 - (b) the recipient is a child being cared for by a special guardian or a special guardian.
- (2) The local authority must prepare a personal budget for the recipient if asked to do so by the recipient or (in prescribed circumstances) a person of a prescribed description.
- (3) The authority prepares a “personal budget” for the recipient if they identify an amount as available to secure the special guardianship support services that they have decided to provide, with a view to the recipient being involved in securing those services.
- (4) Regulations may make provision about personal budgets, in particular—
- (a) about requests for personal budgets;
 - (b) about the amount of a personal budget;
 - (c) about the sources of the funds making up a person budget;
 - (d) for payments (“direct payments”) representing all or part of a personal budget to be made to the recipient, or (in prescribed circumstances) a person of a prescribed description, in order to secure any special guardianship support services to which the budget relates;
 - (e) about the description of special guardianship support services to which personal budgets and direct payments may (and may not) relate;
 - (f) for a personal budget or direct payment to cover the agreed cost of the special guardianship support services to which the budget or payment relates;
 - (g) about when, how, to whom and on what conditions direct payments may (and may not) be made;
 - (h) about when direct payments may be required to be repaid and the recovery of unpaid sums;
 - (i) about conditions with which a person or body making direct payments must comply before, after or at the time of making a direct payment;
 - (j) about arrangements for providing information, advice or support in connection with personal budgets and direct payments.
- (5) If the regulations include provision authorising direct payments, they must—
- (a) require the consent of the recipient, or (in prescribed circumstances) a person of a prescribed description, to be obtained before direct payments are made;
 - (b) require the authority to stop making direct payments where the required consent is withdrawn.
- (6) Any special guardianship support services secured by means of direct payments made by a local authority are to be treated as special guardianship support services provided by the authority for all purposes, subject to any prescribed conditions or exceptions.
- (7) In this section “prescribed” means prescribed by regulations.’.

Children and Families Bill, *continued*

Special guardianship support services: duty to provide information

Lucy Powell

NC9

To move the following Clause:—

‘In Part 2 of the Children Act 1989, after section 14G (Special guardianship support services: personal budgets), insert—

“14H Special guardianship support services: duty to provide information

- (1) Except in circumstances prescribed by regulations, a local authority in England must provide the information specified in subsection (2) to—
 - (a) any person who has contacted the authority to request information about special guardianship support,
 - (b) any person within the authority’s area who the authority are aware is a special guardian for a child, and
 - (c) any person within the authority’s area who is a special guardian and has contacted the authority to request any of the information specified in subsection (2).
- (2) The information is—
 - (a) information about the special guardianship support services available to people in the authority’s area;
 - (b) information about the right to request an assessment under section 14F (assessments etc for special guardianship support services), and the authority’s duties under that section and regulations made under it;
 - (c) information about the authority’s duties under section 14G (special guardianship support services: personal budgets) and the regulations made under it;
 - (d) any other information prescribed by regulations.’.

Review of impact of under-occupancy penalty on prospective adopters, prospective special guardians and foster parents

Lisa Nandy
Mrs Sharon Hodgson

NC10

To move the following Clause:—

‘Before the end of one year beginning with the day on which this Act receives Royal Assent, the Secretary of State must—

- (a) carry out a review of the impact of the housing under-occupancy penalty on prospective adopters, prospective special guardians and foster parents, and
- (b) publish a report of the conclusions of the review.’.

Lisa Nandy
Mrs Sharon Hodgson

11

Clause 1, page 1, line 9, after ‘adoption for C’ insert ‘and are satisfied that a placement falling within paragraph (a) of subsection (6) would not be consistent with C’s welfare’.

Children and Families Bill, *continued*

Lisa Nandy
Mrs Sharon Hodgson

Clause 1, page 1, line 12, leave out '(7) to (9)' and insert '(7)(c), (8)(a) and (9)'. 12

Lisa Nandy
Mrs Sharon Hodgson

Clause 1, page 1, line 12, at end insert— 13
'(9B) A child must not be considered for placement with a foster parent who has been approved as a prospective adopter under subsection (9A) unless both parents (and anyone else with parental responsibility for the child) have been referred to free legal advice and have consented to the placement except where there is an interim or full care order in place.'

Lisa Nandy
Mrs Sharon Hodgson

Clause 4, page 3, line 33, at end insert— 14
'(k) about the prescribed agencies from which adoption support services can be purchased, which must include voluntary adoption agencies.'

Mr. Edward Timpson

Schedule 1, page 116, line 14, leave out paragraph 11 and insert— 15
'11 (1) Sections 125 to 131 cease to have effect in relation to Scotland.
(2) Accordingly, in section 149 (extent), in subsection (4) omit paragraph (b).'

Mr Edward Timpson

Clause 8, page 7, line 46, at end insert— 16
'() In section 96(3) of that Act (section 95 does not prohibit payment of legal or medical expenses in connection with applications under section 26 etc) after "26" insert ", 51A".
() In section 1(1) of the Family Law Act 1986 (orders which are Part 1 orders) after paragraph (ab) insert—
 “(ac) an order made under section 51A of the Adoption and Children Act 2002 (post-adoption contact), other than an order varying or revoking such an order;”.
() In section 2 of that Act (jurisdiction of courts in England and Wales to make Part 1 orders: pre-conditions) after subsection (2B) insert—
 “(2C) A court in England and Wales shall not have jurisdiction to make an order under section 51A of the Adoption and Children Act 2002 unless—
 (a) it has jurisdiction under the Council Regulation or the Hague Convention, or
 (b) neither the Council Regulation nor the Hague Convention applies but the condition in section 3 of this Act is satisfied.”’.

Mr Edward Timpson

Clause 8, page 8, line 4, at end insert— 17

Children and Families Bill, *continued*

- () In section 17(4) of the Armed Forces Act 1991 (persons to be given notice of application for service family child assessment order) before paragraph (e) insert—
- “(db) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.
- () In section 18(7) of that Act (persons who may apply to vary or discharge a service family child assessment order) before paragraph (e) insert—
- “(db) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.
- () In section 20(8) of that Act (persons who are to be allowed reasonable contact with a child subject to a protection order) before paragraph (d) insert—
- “(cb) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.
- () In section 22A(7) of that Act (persons who are to be allowed reasonable contact with a child in service police protection) before paragraph (d) insert—
- “(cb) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.

Lisa Nandy
Mrs Sharon Hodgson

18

Clause 9, page 8, line 15, at end insert—

- (3D) A person appointed by a local authority under subsection (3B) is responsible for promoting the educational attainment of children in all schools in the local authority area receiving public funding, including Academies.
- (3E) A person appointed by a local authority under subsection (3B) has responsibility for allocating the pupil premium for the education of looked after children paid to the local authority pursuant to section 14 of the Education Act 2002.’.

Pre-proceedings work with families

Lisa Nandy
Mrs Sharon Hodgson

NC11

To move the following Clause:—

- (1) Section 47 of the Children Act 1989 (Local authority’s duty to investigate) is amended as follows—
- (2) After subsection (12) insert—
- “(13) Where, as a result of complying with this section, a local authority concludes that a child may need to become looked after in order to safeguard and promote the child’s welfare, the local authority must, unless emergency action is required,—
- (a) identify, and consider the willingness and suitability of any relative, friend or other person connected with the child, to care for them as an alternative to them becoming looked after by unrelated carers;

Children and Families Bill, *continued*

- (b) offer the child's parents or other person with parental responsibility a family group conference to develop a plan which will safeguard and promote the child's welfare."'. '
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