



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 11 April 2013

For other Amendment(s) see the following page(s):
Children and Families Bill Committee 157-191, 193-207, 209-11 and 213-15

PUBLIC BILL COMMITTEE

CHILDREN AND FAMILIES BILL

Jo Swinson

Clause **87**, page **57**, line **15**, leave out ‘made by the Secretary of State’ and insert ‘under section 75E’. **275**

Jo Swinson

Clause **87**, page **61**, line **24**, leave out ‘made by the Secretary of State’ and insert ‘under section 75G’. **276**

Jo Swinson

Clause **87**, page **65**, line **20**, leave out ‘75F(3) or (16)’ and insert ‘75F(16)’. **277**

Jo Swinson

Clause **87**, page **65**, line **20**, leave out ‘75H(3), (16)’ and insert ‘75H(16)’. **278**

Jo Swinson

Clause **110**, page **112**, line **37**, at end insert— **279**
‘() Section 96(3) and (4), so far as relating to paragraphs 3, 53 to 59 and 61 of Schedule 7, extends to Northern Ireland.’

Jo Swinson

Schedule **7**, page **171**, line **22**, leave out paragraph (a) and insert— **280**
‘() in paragraph (a), after “(6), (7)” there is inserted “, (7A) or (7B)”;
() in paragraph (a), the words “or (8)” are repealed.’

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Jo Swinson

281

Schedule 7, page 171, line 28, at end insert—

‘() After sub-paragraph (7) there is inserted—

“(7A) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989, and
- (b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZB(8) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter).

(7B) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZK(2) of that Act (cases involving applicants for parental orders under section 54 of the Human Fertilisation and Embryology Act 2008).” ’.

Jo Swinson

282

Schedule 7, page 171, line 31, at end insert—

‘2A (1) Paragraph 5B (schemes that contain unfair adoption leave provisions) is amended as follows.

(2) In sub-paragraph (4) (definitions), in the definition of “period of paid adoption leave”, in paragraph (a), for “or (6)” there is substituted “, (6), (7) or (8)”.

(3) After sub-paragraph (6) there is inserted—

“(7) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989, and
- (b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZL(9) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter).

(8) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZT(2) of that Act (cases involving applicants for

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parental orders under section 54 of the Human Fertilisation and Embryology Act 2008).” ’.

Jo Swinson

283

Schedule 7, page 171, line 31, at end insert—

‘2B After paragraph 5B there is inserted—

“Unfair shared parental leave provisions

5C (1) Where an employment-related benefit scheme includes any unfair shared parental leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—

- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
- (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.

(2) In this paragraph “unfair shared parental leave provisions”, in relation to an employment-related benefit scheme, means any provision—

- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid shared parental leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
- (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid shared parental leave, to be determined otherwise than in accordance with the normal employment requirement.

(3) In the case of any unfair shared parental leave provision—

- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
- (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;

but, in respect of any period of paid shared parental leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory shared parental pay actually paid to or for the member in respect of that period.

(4) In this paragraph—

“the normal employment requirement” is the requirement that any period of paid shared parental leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so;

“period of paid adoption leave” has the same meaning as in paragraph 5B;

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“period of paid paternity leave” has the same meaning as in paragraph 5A;

“period of paid shared parental leave”, in the case of a member, means a period—

- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5), (6), (7), (8), (9) or (10) applies, and
 - (b) for which the employer (or if the member is no longer in that person’s employment, his former employer) pays the member any contractual remuneration or statutory shared parental pay.
- (5) This sub-paragraph applies if—
- (a) the member’s absence from work is due to the birth of a child,
 - (b) the member is the mother of the child, and
 - (c) the absence from work is not absence on maternity leave (within the meaning of the Equality Act 2010).
- (6) This sub-paragraph applies if—
- (a) the member’s absence from work is due to the birth of a child,
 - (b) the member is a person who satisfies the conditions prescribed under section 171ZU(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992 in relation to the child, and
 - (c) the member’s absence from work is not absence during a period of paid paternity leave.
- (7) This sub-paragraph applies if—
- (a) the member’s absence from work is due to the placement of a child for adoption under the law of any part of the United Kingdom,
 - (b) the member is—
 - (i) a person with whom a child is placed for adoption under the law of any part of the United Kingdom, or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992 in relation to the child, and
 - (c) the member’s absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (8) This sub-paragraph applies if—
- (a) the member’s absence from work is due to the placement of a child under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter,
 - (b) the member is—
 - (i) the local authority foster parent with whom the child in question is placed under section 22C of the Children Act 1989, or

Children and Families Bill, *continued*

- (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZV(18) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter), in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (9) This sub-paragraph applies if—
- (a) the member's absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve placement of the child for adoption under the law of any part of the United Kingdom,
 - (b) the member is—
 - (i) the person who has adopted or expects to adopt the child in question, or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZZ5(1) of that Act (adoption cases not involving placement under the law of the United Kingdom), in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (10) This sub-paragraph applies if—
- (a) the member's absence from work is due to the birth of a child,
 - (b) the member is a person who has applied, or intends to apply, for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave." ?

Mrs Sharon Hodgson
Lisa Nandy

284

Clause 73, page 48, line 43, at beginning insert 'If, after a consultation period of not less than three months, and the publication of a response to the consultation, the Secretary of State is satisfied with the provisions, he may make an order so that'.

Children and Families Bill, continued

Mrs Sharon Hodgson
Lisa Nandy

285

Page 49, line 12, Leave out Clause 75.

Staff to child ratios: Ofsted-registered childminder settings

Mrs Sharon Hodgson
Lisa Nandy
Lucy Powell

NC38

To move the following Clause:—

- (1) This section applies to Ofsted-registered childminder settings.
- (2) The ratio of staff to children under the age of eight must be no less than one to six, where—
 - (a) a maximum of three children may be young children;
 - (b) a maximum of one child is under the age of one.
- (3) Any care provided by childminders for older children must not adversely affect the care of children receiving early years provision.
- (4) If a childminder can demonstrate to parents, carers and inspectors, that the individual needs of all the children are being met, then in addition to the ratio set out in subsection (2), they may also care for—
 - (a) babies who are siblings of the children referred to in subsection (2), or
 - (b) their own baby.
- (5) If children aged between four and five years only attend the childminding setting outside of normal school hours or the normal school term time, they may be cared for at the same time as three other young children, provided that at no time does the ratio of staff to children under the age of eight exceed one to six.
- (6) If a childminder employs an assistant or works with another childminder, each childminder or assistant may care for the number of children permitted by the ratios specified in subsections (2), (4) and (5).
- (7) Children may only be left in the sole care of a childminder's assistant for two hours in a single day.
- (8) Childminders must obtain the permission of a child's parents or carers before that child can be left in the sole care of a childminder's assistant.
- (9) The ratios in subsections (2), (4) and (5) apply to childminders providing overnight care, provided that the children are continuously monitored, which may be through the use of electronic equipment.
- (10) For the purposes of this section a child is—
 - (a) a "young child" up until 1 September following his or her fifth birthday.
 - (b) an "older child" after the 1 September following his or her fifth birthday.?

Staff to child ratios: Ofsted-registered non-domestic childminder

Mrs Sharon Hodgson
Lisa Nandy
Lucy Powell

NC39

To move the following Clause:—

Children and Families Bill, *continued*

- (1) This section applies to Ofsted-registered, non-domestic childcare settings.
- (2) For children aged under two—
 - (a) the ratio of staff to children must be no less than one to three;
 - (b) at least one member of staff must hold a full and relevant level 3 qualification, and must be suitably experienced in working with children under two;
 - (c) at least half of all other members of staff must hold a full and relevant level 2 qualification;
 - (d) at least half of all members of staff must have received training in care for babies; and
 - (e) where there is a dedicated area solely for children under two years old, the member of staff in charge of that area must, in the judgement of their employer, have suitable experience of working with children under two years old.
- (3) For children between the ages of two and three—
 - (a) the ratio of staff to children must be no less than one to four;
 - (b) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (c) at least half of all other members of staff must hold a full and relevant level 2 qualification.
- (4) Where there is registered early years provision, which operates between 8 am and 4 pm, and a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is working directly with the children, for children aged three and over—
 - (a) the ratio of staff to children must be no less than one to 13; and
 - (b) at least one other member of staff must hold a full and relevant level 3 qualification.
- (5) Where there is registered early years provision, which operates outside the hours of 8 am and 4 pm, and between the hours of 8 am and 4 pm where a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is not working directly with the children, for children aged three and over—
 - (a) the ratio of staff to children must be no less than one to eight;
 - (b) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (c) at least half of all other staff must hold a full and relevant level 2 qualification.
- (6) In independent schools where—
 - (a) a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;
 - (b) an instructor; or
 - (c) a suitably qualified overseas-trained teacher is working directly with the children, for children aged three and over—
 - (i) for classes where the majority of children will reach the age of five or older within the school year, the ratio of staff to children must be no less than one to 30;
 - (ii) for all other classes the ratio of staff to children must be no less than one to 13; and
 - (iii) at least one other member of staff must hold a full and relevant level 3 qualification.
- (7) In independent schools where there is—

Children and Families Bill, *continued*

- (a) no member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;
 - (b) no instructor; or
 - (c) no suitably qualified overseas-trained teacher, working directly with the children, for children aged three and over—
 - (i) the ratio of staff to children must be no less than one to eight;
 - (ii) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (iii) at least half of all other members of staff must hold a full and relevant level 2 qualification.
- (8) In maintained nursery schools and nursery classes in maintained schools (except reception classes)—
- (a) the ratio of staff to children must be no less than one to 13;
 - (b) at least one member of staff must be a school teacher as defined by subsection 122(3) [Power to prescribe pay and conditions] of the Education Act 2002 and Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003; and
 - (c) at least one other member of staff must hold a full and relevant level 3 qualification.
- (9) The Secretary of State may make provision in statutory guidance to—
- (a) define qualifications as “full and relevant”; and
 - (b) define “suitable experience” for those working with children under two.
- (10) If HM Chief Inspector of Education is concerned about the quality of provision or the safety and well-being of children in a setting he may impose different ratios.’.

Information on children's centres

Mrs Sharon Hodgson
Lisa Nandy

NC40

To move the following Clause:—

- ‘(1) The Secretary of State must compile and publish information on children’s centres in England every three months, including—
- (a) the number of registered children’s centres in each local authority area;
 - (b) the annual budget of each children’s centre in each local authority area;
 - (c) the total weekly opening hours of each centre in each local authority area;
 - (d) any changes in the figures for (a), (b) or (c) since the same period in the preceding year; and
 - (e) any other information he deems useful to compile and publish.
- (2) Local authorities are obliged to provide information requested by the Secretary of State in pursuance of his duties under subsection (1), in a format specified by him.
- (3) The Secretary of State must publish information in an accessible format, not later than three months after the information has been provided by the local authorities.
- (4) The Secretary of State may charge a prescribed fee for providing information compiled under this section in paper form.
- (5) The level of fee charged under subsection (5) must not exceed the cost of production and supply.
- (6) In this section “Children’s Centre” has the meaning given by section 5A(4) [Arrangements for provision of children’s centres] of the Childcare Act 2006.’.

Children and Families Bill, continued*Duty to ensure sufficient support*

Mrs Sharon Hodgson
Lisa Nandy

NC41

To move the following Clause:—

- ‘(1) It shall be the general duty of every local authority to take steps to ensure that, so far as reasonably practicable, a range and level of services are provided sufficient to improve the wellbeing of young carers who are ordinarily resident in their area.
- (2) The reference in subsection (1) to services may include those provided by institutions referred to elsewhere in this Act, as well as to those provided on a regular basis by charitable and voluntary organisations.
- (3) In discharging its duty under subsection (1), a local authority must have regard to—
 - (a) data gathered by other agencies in exercising their duties under sections [*Health bodies: duties with respect to young carers*], [*Schools: duties with respect to young carers*] and [*Further and higher education institutions: duties with respect to student carers*];
 - (b) any guidance given from time to time by the Secretary of State.’.

Duty to assess social care provision for young carers

Mrs Sharon Hodgson
Lisa Nandy

NC42

To move the following Clause:—

- ‘(1) In determining for the purposes of section [*Duty to ensure sufficient support*] whether the provision of social care support is sufficient to meet the needs of young carers, a local authority must—
 - (a) undertake an assessment of social care needs of disabled people and young carers in their area;
 - (b) undertake an assessment of the sufficiency of the supply of social care services for disabled people and young carers in their area;
 - (c) publish a strategy setting out the steps to ensuring sufficiency of supply of social care services for disabled people and young carers in their area; and
 - (d) have regard to any guidance given from time to time by the Secretary of State.
- (2) In relation to paragraphs (1)(a) and (b), the Secretary of State may by regulations define the assessments of social care needs and sufficiency of supply of social care services.’.

Health bodies: duties with respect to young carers

Mrs Sharon Hodgson
Lisa Nandy

NC43

To move the following Clause:—

- ‘(1) In exercising their general functions health bodies must—
 - (a) promote and safeguard the well-being of young carers;

Children and Families Bill, continued

- (b) ensure that effective procedures exist to identify patients who are or are about to become carers;
 - (c) ensure that effective procedures exist to identify patients who it may be reasonably assumed may be receiving care from a child or young person for whom they are responsible;
 - (d) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and
 - (e) ensure that systems are in place to ensure that the relevant general medical services are rendered to their patients who are young carers, or to the young carers of their patients.
- (2) In relation to paragraphs (1)(b), (c) and (d), the Secretary of State may by regulations further provide for the strategies to be developed.’

Schools: duties with respect to young carers

Mrs Sharon Hodgson
Lisa Nandy

NC44

To move the following Clause:—

- ‘(1) The appropriate authorities of schools must ensure that, within 12 months of the passing of this Act, they take all reasonable steps to ensure that there is in place a policy which—
- (a) identifies young carers within the school; and
 - (b) makes arrangements for the provision within school of appropriate support to promote the well-being and improve the educational attainment of pupils who are young carers.
- (2) In discharging its duty under subsection (1), where appropriate the authority must—
- (a) consult with the family of the child or young person identified, or the young person themselves;
 - (b) involve the local authority in which the identified pupil is ordinarily resident;
 - (c) refer the identified pupil to additional services outside the school;
 - (d) have regard to any guidance given from time to time by the Secretary of State.
- (3) The “appropriate authority” for a school is—
- (a) in the case of a maintained school, the governing body;
 - (b) in the case of an Academy, the proprietor;
 - (c) in the case of a pupil referral unit, the management committee.’

Further and higher educational institutions: duties with respect to student carers

Mrs Sharon Hodgson
Lisa Nandy

NC45

To move the following Clause:—

- ‘(1) The responsible body of an institution to which this section applies must, within 12 months of the passing of this Act, identify or make arrangements to identify student carers and have a policy in place on promoting the well-being of student carers.

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- (2) This section applies to—
- (a) a university;
 - (b) any other institution within the higher education sector;
 - (c) an institution within the further education sector.
- (3) A responsible body is—
- (a) in the case of an institution in paragraphs (2)(a) or (b), the governing body;
 - (b) in the case of a college of further education under the management of a board of management, the board of management;
 - (c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.
- (4) In discharging its duty under subsection (1), where appropriate the authority must—
- (a) consult with the family of the child or young person identified, or the young person themselves;
 - (b) involve the local authority in which the identified pupil is ordinarily resident;
 - (c) refer the identified student to additional services outside of the institution; and
 - (d) have regard to any guidance given from time to time by the Secretary of State.’.

Interpretation

Mrs Sharon Hodgson
Lisa Nandy

NC46

To move the following Clause:—

‘In this Part—

“carer” has the same meaning as in section 1 of the Carers (Recognition and Services) Act 1995;

“young carer” means a person under 18 years of age who carries out caring tasks and assumes a level of responsibility for another person which would normally be carried out by an adult;

“student carer” means a person enrolled with an institution in the further or higher education sector who carries out caring tasks and assumes a level of responsibility for another person with a disability;

“well-being” means the state of young carers so far as relating to—

- (a) physical and mental health and emotional well-being;
- (b) control by them over their day-to-day lives;
- (c) participation in education, training or recreation;
- (d) social and economic well-being;
- (e) domestic, family and personal relationships;
- (f) the contribution made by them to society.

“children’s services” means services that could be provided under section 17(1) of the Children Act 1989;

“community care services” has the same meaning as in section 46(3) of the National Health Service and Community Care Act 1990;

Children and Families Bill, *continued*

“disability” has the same meaning as in section 6 of the Equality Act 2010;
 “general medical services” has the same meaning as in the National Health Service Act 2006;

“health bodies” includes—

- (a) “Clinical Commissioning Groups”, which has the same meaning as in section 11 of the National Health Service Act 2006;
- (b) “Foundation Trusts”, which has the same meaning as in section 30 of the National Health Service Act 2006;
- (c) “NHS Trusts”, which have the same meaning as in section 25 of the National Health Service Act 2006; and
- (d) “the NHS Commissioning Board”, which has the same meaning as in section 1H of the National Health Service Act 2006;

“higher education” and “further education” have the same meanings as in section 94 of the Equality Act 2010;

“local authority” means a county council, district council, London borough council, the Greater London Authority or the Common Council of the City of London;

“social care services” means any support that could be provided by a local authority in discharge of its functions under the Local Authority Social Services Act 1970 or pursuant to its powers under section 2 of the Local Government Act 2000.’

Teachers

Mr Graham Allen

NC47

To move the following Clause:—

- ‘(1) This section imposes duties on the appropriate authorities of the following schools in England—
 - (a) mainstream schools;
 - (b) maintained nursery schools.
- (2) The appropriate authority must ensure all new teachers have undertaken in their initial teacher training a mandatory module on special educational needs, including dyslexia.
- (3) The “appropriate authority” for a school is—
 - (a) in the case of a maintained school or maintained nursery school, the governing body;
 - (b) in the case of an Academy, the proprietor.’

Mr Graham Allen

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Clause 62, page 42, line 41, at end insert—

- ‘(2A) The appropriate authority must designate a member of staff who shall be a qualified teacher and must have undertaken training to include a mandatory module on special educational needs, including dyslexia at the school (to be known as the “SEN co-ordinator”) as having responsibility for co-ordinating the provision for pupils with special educational needs.’

Mr Graham Allen

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Clause 22, page 18, line 32, after ‘identifies’, insert ‘as early as possible’.

Children and Families Bill, *continued*

- Mr Graham Allen 288
 Clause 30, page 23, line 17, after ‘it’, insert ‘provides’.
- Mr Graham Allen 289
 Clause 30, page 23, line 20, after ‘it’, insert ‘provides’.
- Mr Graham Allen 290
 Clause 30, page 24, line 2, at end insert—
 ‘(7A) Regulations must make provision about a national framework including—
 (a) the principles underpinning the local offer;
 (b) how services in the local offer are to be reviewed;
 (c) the scope of what should be covered by the local offer including the minimum level of specific special educational provision, health care provision and social care provision that local authorities must provide;
 (d) the format in which a local offer will be prepared and published; and
 (e) how services can be held to account for failing to deliver what is set out in the local offer.’.
- Mr Graham Allen 291
 Clause 61, page 42, line 28, at end insert—
 ‘(2A) In fulfilling its duties under this section, the appropriate authority must provide a report of how it has done so for a registered pupil or a student at a school, where such a report is requested by—
 (a) the local authority responsible for the education of the child;
 (b) the family of the child or young person;
 (c) the young person;
 (d) first tier tribunal; or
 (e) education funding agency.’.
- Mr Graham Allen 292
 Clause 61, page 42, line 26, after ‘secure’, insert ‘so far as is reasonably possible’.
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NOTICES WITHDRAWN

The following Notices were withdrawn on 11 April:

Amendments 126, 127, 128, 136, 139, 140, 141, 147, 148, 149, 150, 151, 152, 153 154, 156, 157, 158, 160, 167, 175, 178, 179, 182.
