



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 14 March 2013

For other Amendment(s) see the following page(s):
Children and Families Bill Committee 49-65

PUBLIC BILL COMMITTEE

CHILDREN AND FAMILIES BILL

Continuity of special educational provision when a child or young person moves residence

Caroline Nokes

NC17

To move the following Clause:—

- ‘(1) This section applies where—
- (a) a local authority (the “sending authority”) maintains an education, health and care plan for a child or young person, and
 - (b) another local authority (the “receiving authority”) is notified by the child’s parent or the young person that they intend to move residence to the receiving authority’s area.
- (2) Where the sending authority is notified by the child’s parent or the young person that they intend to move residence it must provide the receiving authority with a copy of the education, health and care plan.
- (3) The receiving authority must—
- (a) review the child or young person’s education health and care plan having regard to the need for continuity of provision, and the outcomes specified in the plan; and
 - (b) provide the child’s parent or the young person with such information as it considers appropriate.’.

Mrs Sharon Hodgson

68

Clause 19, page 17, line 17, leave out ‘a local authority’ and insert ‘local authorities and NHS bodies’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson 69

Clause 19, page 17, line 30, at end add—
 ‘(e) the well-being of the child or young person’.

Mrs Sharon Hodgson 70

Clause 19, page 17, line 30, at end add—
 ‘(2) The Secretary of State shall make regulations defining the objectives that—
 (a) a local authority in England, or
 (b) a local partner of that local authority, pursuant to section 28, subsection (2), paragraphs (j) to (m),
 shall pursue in exercising a function under this Part.
 (3) Objectives under subsection (2) must include, but are not limited to—
 (a) increasing, maintaining and promoting positive family relationships;
 (b) increasing, maintaining and promoting the participation of children and young people and their families in local community activities;
 (c) where possible, increasing the proximity of services for children and young people and their families to where they are needed, and
 (d) where possible, increasing the accessibility of services with regard to the financial circumstances and working arrangements of the children and young people and their families they cater to.’.

Mrs Sharon Hodgson 71

Clause 20, page 17, leave out lines 40 to 42 and insert—
 ‘(b) is a disabled person as defined by section 6 of the Equality Act 2010.’.

Mrs Sharon Hodgson 72

Clause 20, page 17, line 42, at end insert—
 ‘(c) has a chronic illness or long-term health condition which impacts on his or her ability to access the same learning opportunities as their peers without additional or extra provision.’.

Information sharing about live births

Mrs Sharon Hodgson NC18

To move the following Clause:—

- ‘(1) NHS trusts should make arrangements to share with local authorities records of live births to parents resident in their area, to be used by the local authority for the purposes of identifying and contacting new families through children’s centres and any other early years outreach services it may operate.
- (2) The Secretary of State must, within a period of six months of Royal Assent to this Act, bring forward regulations placing consequential requirements on trusts and local authorities in exercising their duty under subsection (1), including, but not limited to—
 - (a) the format of arrangements made;
 - (b) the safeguarding of information;

Children and Families Bill, *continued*

- (c) the circumstances in which it would not be appropriate for a trust to provide information to local authorities;
- (d) the regularity of data transfers;
- (e) timescales within which a local authority must contact new families made known to it; and
- (f) any further requirements the Secretary of State deems necessary.’.

Mrs Sharon Hodgson

Clause 25, page 19, line 28, leave out subsection (2).

73

Mrs Sharon Hodgson

Clause 26, page 20, line 3, at end insert—

- ‘(d) any other provision deemed necessary to meet the special educational, health or social care needs of a child or young person.’.

74

Mrs Sharon Hodgson

Clause 26, page 20, line 17, at end insert—

- ‘(h) compliance with the disability provisions of the Equalities Act.’.

75

Mrs Sharon Hodgson

Clause 26, page 20, line 23, at end insert—

- ‘(d) ensuring reasonable adjustments required are made.’.

76

Mrs Sharon Hodgson

Clause 26, page 20, line 34, at end add—

- ‘(9) The local authority must publish joint commissioning agreements in digital format within one calendar month of said agreement being finalised or revised, and make printed copies available on request.
- (10) In providing printed copies of joint commissioning agreements by virtue of subsection (9), the local authority may charge a fee, the level of which should not exceed the cost of supplying the copy.’.

77

Mrs Sharon Hodgson

Clause 27, page 20, line 38, after ‘provision’, insert ‘, health care provision’.

78

Mrs Sharon Hodgson

Clause 27, page 20, line 41, after ‘provision’, insert ‘, health care provision’.

79

Mrs Sharon Hodgson

Clause 27, page 20, line 43, at end insert ‘including provision in institutions approved by the Secretary of State by virtue of section 41 of this Part.’.

80

Children and Families Bill, *continued*

Mrs Sharon Hodgson

81

Clause 27, page 21, line 3, at end insert—

- ‘(2A) The local authority must assess the extent to which there is sufficient funding in place to secure the provision detailed in subsection (1) for all the children and young people and their families who require it.
- (2B) Where a local authority exercising its duty under subsection (2A) finds that it does not have sufficient funding in place to secure adequate provision for all children and young people who require that provision, the authority must consider jointly commissioning services for which it is exclusively responsible with neighbouring local authorities, where this is appropriate.’

Mrs Sharon Hodgson

82

Clause 27, page 21, line 27, at end add—

- ‘(6) The local authority must demonstrate that any changes in services made as a result of exercising its functions under this section will have the effect of improving provision available for children and young people with special educational needs and their families.’

Mrs Sharon Hodgson

83

Clause 27, page 21, line 27, at end add—

- ‘(7) The local authority must prepare and publish a report at least every 24 months setting out how it has met its duties under this section.’

Mrs Sharon Hodgson

84

Clause 28, page 22, line 27, at end insert—

- ‘(n) the proprietors or management of early years settings providing education other than nursery schools in its area or which are attended, or are likely to be attended, by children and young people for whom the local authority is responsible.
- (o) the management or advisory board of Children’s Centres in its area or which are attended, or are likely to be attended, by children and young people for whom the local authority is responsible.
- (p) any organisation providing out of school childcare or short break services in its area or which are attended, or are likely to be attended, by children and young people for whom the local authority is responsible.
- (q) other local authorities.’

Mrs Sharon Hodgson

85

Clause 29, page 22, line 44, after ‘schools’, insert ‘including academies and free schools’.

Mrs Sharon Hodgson

86

Clause 29, page 23, line 1, at end insert—

- ‘(g) non-maintained special schools;
- (h) institutions approved by the Secretary of State under section 41;
- (i) Ofsted-registered early years settings other than maintained nursery schools.’

Children and Families Bill, *continued*

Mrs Sharon Hodgson	87
Clause 30, page 23, line 17, leave out ‘it expects to be’ and insert ‘which is’.	
Mrs Sharon Hodgson	88
Clause 30, page 23, line 20, leave out ‘it expects to be’ and insert ‘which is’.	
Mrs Sharon Hodgson	89
Clause 30, page 23, line 19, after ‘needs’, insert ‘and their families’.	
Mrs Sharon Hodgson	90
Clause 30, page 23, line 22, at end insert ‘and their families’.	
Mrs Sharon Hodgson	91
Clause 30, page 23, line 29, after ‘young people’, insert ‘and their families’.	
Mrs Sharon Hodgson	92
Clause 30, page 23, line 43, leave out ‘parents’ and insert ‘families’.	
Mrs Sharon Hodgson	93
Clause 30, page 24, line 9, leave out ‘parents’ and insert ‘families’.	
Mrs Sharon Hodgson	94
Clause 30, page 23, line 22, at end insert ‘including provision in institutions approved by the Secretary of State by virtue of section 41 of this Part.’.	
Mrs Sharon Hodgson	95
Clause 30, page 23, line 35, at end insert ‘, including in online communities.’.	
Mrs Sharon Hodgson	96
Clause 30, page 24, line 20, at end insert—	
‘(ca) information on the steps the local authority is taking to improve general provision for and inclusion of children and young people in mainstream institutions;’.	
Mrs Sharon Hodgson	97
Clause 30, page 23, line 30, at end insert—	
‘(f) services providing advice and support to the wider family of children and young people with special educational needs.’.	

Children and Families Bill, *continued*

- Mrs Sharon Hodgson 98
- Clause 30, page 23, line 9, at end insert—
- ‘(5A) Any revision to a local offer made by virtue of subsection (5) must be communicated clearly to children and young people with special educational needs and their families with whom the authority has had prior contact, as well as described in an addendum to the revised document.’
- Mrs Sharon Hodgson 99
- Clause 30, page 23, line 9, at end insert—
- ‘(5B) In exercising its duty under subsection (5), the local authority must have regard to any review carried out under section 27.’
- Mrs Sharon Hodgson 100
- Clause 30, page 23, line 44, at end insert—
- ‘(6A) The Secretary of State shall lay a draft of regulations setting out the minimum level of specific special educational provision, health care provision and social care provision that local authorities must provide as part of their local offer, and the regulations are not to be made unless they have been approved by a resolution of each House of Parliament.
- (6B) Once regulations under subsection (6A) have been made, the Secretary of State must—
- (a) issue guidance to local authorities on how to meet these regulations, and
 - (b) publish information on these regulations accessible to the families of children and young people with special educational needs on the Department’s website, and in any other way he sees fit.’

Mrs Sharon Hodgson 101

Clause 30, page 24, line 3, leave out ‘may make provision about’ and insert ‘should specify’.

Mrs Sharon Hodgson 102

Clause 31, page 24, line 38, at end insert—

‘(3A) Where a specified body does not comply with a request made under subsection (1), and the requesting local authority is not satisfied with the reasons given under subsections (2) and (3), the requesting local authority may make a request to the Secretary of State for Health to investigate.

(3B) Regulations may provide for the timescales within which the Secretary of State for Health should assess and complete investigations requested under subsection (3A), as well as powers to be granted to the Secretary of State for Health to enable him to uphold any such complaints.’

Mrs Sharon Hodgson 103

Clause 32, page 24, line 45, after ‘and’, insert ‘children and’.

Mrs Sharon Hodgson 104

Clause 32, page 25, line 6, after ‘(b)’, insert ‘children and’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson

105

Clause 32, page 25, line 2, at end insert—

- ‘(1A) Local authorities must ensure that in exercising their functions under subsection (1), advice should be provided in the form of—
- (a) printed materials;
 - (b) online resources, including signposting to resources published by others;
 - (c) face to face discussions;
 - (d) any other form which the local authority may deem necessary in pursuance of its duties under the Equality Act.
- (1B) Local authorities must not make, or allow any individuals or organisations providing advice on their behalf to make, any charge to families of children with special educational needs, or young people with special educational needs, in exercising their functions under this section.’

Mrs Sharon Hodgson

106

Clause 32, page 25, line 11, at end add—

- ‘(4) Local authorities must ensure that internet-based services provided by them or on their behalf in pursuance of their duties under this section meet British Standard 8878:2010.’

Mrs Sharon Hodgson

107

Clause 33, page 25, leave out line 22 and insert—

- ‘(b) meeting the specific needs of the child or young person’.

Children and young people in mainstream schools with specified health conditions, without special educational needs

Mrs Sharon Hodgson

NC19

To move the following Clause:—

- ‘(1) The governing body of a mainstream school has a duty to produce and implement a medical conditions policy that defines how it plans to support the needs of children with specified health conditions.
- (2) The medical conditions policy must include provision about—
- (a) the means by which records of the specified health conditions of children at the school are to be recorded and maintained; and
 - (b) the preparation of an individual healthcare plan for each child with a specified health condition which sets out the needs of that child arising from that condition.
- (3) The medical conditions policy must include requirements relating to the provision of appropriate training for school staff to support the implementation of individual healthcare plans.
- (4) In preparing an individual healthcare plan the governing body must—
- (a) consult the parents of the child concerned and, where appropriate, the child about the contents of the plan; and
 - (b) there shall be a duty on NHS bodies to co-operate with the governing body in its preparation and implementation of individual healthcare plans.

Children and Families Bill, *continued*

- (5) Local authorities and clinical commissioning groups must co-operate with governing bodies in fulfilling their functions under this Act.
- (6) The Secretary of State may by regulations define ‘specified health conditions’ for the purposes of this section.
- (7) For the purposes of this section ‘NHS bodies’ has the same meaning as in the Health and Social Care Act 2012.’.

Mrs Sharon Hodgson

108

Clause 34, page 26, line 25, at end insert ‘if all the following have agreed to his or her continued enrolment at the school or post-16 institution—

- (a) the local authority which is responsible for him or her;
- (b) the head teacher of the school or the principal of the Academy or post-16 institution;
- (c) the child’s parent or the young person;
- (d) anyone else whose advice is required to be obtained in connection with the assessment by virtue of regulations under section 36(11).’.

Mrs Sharon Hodgson

109

Clause 34, page 26, line 42, at end insert ‘if all the following have agreed to his or her continued enrolment at the school or post-16 institution—

- (a) the local authority which is responsible for him or her;
- (b) the head teacher of the school or the principal of the Academy or post-16 institution;
- (c) the child’s parent or the young person;
- (d) anyone else whose advice is required to be obtained in connection with the assessment by virtue of regulations under section 36(11).’.

Mrs Sharon Hodgson

110

Clause 35, page 27, line 6, leave out ‘subject to subsection (3)’.

Mrs Sharon Hodgson

111

Clause 35, page 27, line 7, leave out subsection (3) and insert—

- ‘(3) Where a relevant authority of an institution feels that the institution is unable to meet their duties under this section, it must inform the family of the child or young person in question, or the young person, as to the reason for doing so, in advance wherever possible.’.

Mrs Sharon Hodgson

112

Clause 36, page 27, line 17, leave out from ‘by’ to end of line 18 and insert—

- ‘(a) the parent of a child or young person;
- (b) a young person, where this is in respect of themselves;
- (c) a person acting on behalf of a school or post-16 institution;
- (d) a person acting on behalf of an early years setting or Children’s Centre;
- (e) a qualified healthcare professional.’.

Children and Families Bill, *continued*

- Mrs Sharon Hodgson 113
- Clause 36, page 27, line 18, at end insert—
(1A) On receiving a request for an assessment under subsection (1), the local authority must endeavour to respond to that request within six weeks of having received it.’.
- Mrs Sharon Hodgson 114
- Clause 36, page 27, line 27, at end insert—
(4A) In making a determination under subsection (3), the local authority must have regard to the competencies and needs of the child or young person’s parents and immediate family, where this is relevant to the child or young person’s well-being.’.
- Mrs Sharon Hodgson 115
- Clause 36, page 27, line 41, leave out ‘parent’ and insert ‘family, including the child themselves where appropriate.’.
- Mrs Sharon Hodgson 116
- Clause 36, page 27, line 44, after ‘parent’, insert ‘, child’.
- Mrs Sharon Hodgson 117
- Clause 36, page 27, line 33, at end insert—
(c) of their right to request an internal review or appeal against this decision under section 50.’.
- Mrs Sharon Hodgson 118
- Clause 36, page 28, line 15, at end insert—
(d) their right to request an internal review or appeal against this decision under section 50.’.
- Mrs Sharon Hodgson 119
- Clause 36, page 28, line 17, at end insert ‘and previous educational outcomes.’
- Mrs Sharon Hodgson 120
- Clause 36, page 28, line 35, at end add—
(l) about what constitutes a “qualified healthcare professional” under subsection (1)(e).’.
- Mrs Sharon Hodgson 121
- Clause 36, page 28, line 35, at end add—
(m) imposing time limits on the determination of an assessment.’.

Children and Families Bill, *continued*

- Mrs Sharon Hodgson **122**
- Clause 36, page 28, line 35, at end add—
 ‘(n) imposing time limits on corresponding with parents in pursuance of other duties under this section.’
- Mrs Sharon Hodgson **123**
- Clause 36, page 28, line 35, at end add—
 ‘(12) Failure to abide by time limits prescribed by virtue of this section does not relieve the authority of the duty to serve a notice, or make a decision or assessment.’
- Mrs Sharon Hodgson **124**
- Clause 37, page 29, line 4, at end insert—
 ‘(e) any provision deemed necessary to be made available to the family of the child or young person which may assist in the promotion of the well-being of the child or young person concerned.’
- Mrs Sharon Hodgson **125**
- Clause 37, page 29, line 6, at end insert ‘and previous educational outcomes.’
- Mrs Sharon Hodgson **126**
- Clause 37, page 29, line 7, leave out ‘may’ and insert ‘must.’
- Mrs Sharon Hodgson **127**
- Clause 37, page 29, line 7, after ‘the’, insert ‘format’.
- Mrs Sharon Hodgson **128**
- Clause 38, page 29, line 28, after ‘period’, insert ‘of not less than two weeks’.
- Mrs Sharon Hodgson **129**
- Clause 39, page 30, leave out lines 4 to 10 and insert ‘it is the opinion of the persons or agencies involved in drafting the child or young person’s EHC plan that the school or institution requested is unsuitable for the age, ability, aptitude, desired outcomes, well-being or special educational needs of the child or young person concerned, and that reasonable adjustments cannot be made.’
- Mrs Sharon Hodgson **130**
- Clause 39, page 30, line 11, after ‘must’, insert ‘, subject to agreement of the child or young person concerned and their parents.’
- Mrs Sharon Hodgson **131**
- Clause 40, page 30, line 38, at end insert—
 ‘(2A) In determining which school or institution to name on an EHC plan, the local authority must have regard to—

Children and Families Bill, *continued*

- (a) where the child or young person is ordinarily resident, and the accessibility of the school or institution in relation to this;
- (b) the suitability of schools and institutions based on the age, ability, aptitude, desired outcomes, well-being or special educational needs of the child or young person concerned;
- (c) the quality of teaching within the school, as deemed by the Chief Inspector; and
- (d) any other considerations or preferences stated by the child or young person and their families.’.

Mrs Sharon Hodgson

132

Clause 41, page 31, line 23, at end insert—

- ‘(4A) The Secretary of State must maintain a current list of institutions approved under this section on the Departmental website, including information on the institution and the nature of special educational provision, health care provision and social care provision available.’.

Mrs Sharon Hodgson

133

Clause 41, page 31, line 23, at end insert—

- ‘(4B) The Secretary of State must issue notice to local authorities of the designation of an institution under this section within two weeks of said designation, including information on the institution and the nature of special educational provision, health care provision and social care provision available.’.

Mrs Sharon Hodgson

134

Clause 41, page 31, leave out lines 32 and 33 at end insert—

- ‘(d) further specifying information to be provided to the public and local authorities by the Secretary of State in exercising his duties under subsections (4A) and (4B).’.

Mrs Sharon Hodgson

135

Clause 42, page 31, line 36, after ‘provision’, insert ‘and social care provision’.

Mrs Sharon Hodgson

136

Clause 42, page 31, line 38, at end add—

- ‘(3) Where an EHC plan details health care provision—
 - (a) the relevant health body must provide that provision;
 - (b) the local authority must ensure that the relevant health body is providing that provision.’.

Mrs Sharon Hodgson

137

Clause 44, page 32, line 29, at end insert ‘and prior educational outcomes’.

Mrs Sharon Hodgson

138

Clause 44, page 32, line 31, after ‘child’, insert ‘, the child themselves where

Children and Families Bill, *continued*

appropriate.’.

- Mrs Sharon Hodgson **139**
 Clause 45, page 33, line 12, leave out ‘special educational’.
- Mrs Sharon Hodgson **140**
 Clause 45, page 33, line 15, leave out ‘special educational’.
- Mrs Sharon Hodgson **141**
 Clause 45, page 33, line 16, after ‘educational’, insert ‘or other’.
- Mrs Sharon Hodgson **142**
 Clause 45, page 33, line 20, at end insert ‘and prior educational outcomes’.
- Mrs Sharon Hodgson **143**
 Clause 48, page 35, line 3, at end add—
- ‘(6) This section will not have effect until an Order is made by the Secretary of State, subject to affirmative resolution by both Houses of Parliament.
 - (7) Before making an Order under subsection (6), the Secretary of State must lay a copy of a report before both Houses of Parliament detailing findings from the pathfinder authorities established under the Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2012, including but not limited to—
 - (a) the impact on educational outcomes for children and young people;
 - (b) the quality of provision received by children and young people;
 - (c) the value for money achieved;
 - (d) the impact on services provided for children and young people without EHC plans, or those for whom direct payments were not made.
 - (8) The Secretary of State may not prepare a report under subsection (7) until September 2014.
 - (9) An Order made under subsection (6) may amend this section as the Secretary of State deems necessary to ensure the effective operation of personal budgets, having had regard to the finding of the report produced by virtue of subsection (7).’.
- Mrs Sharon Hodgson **144**
 Clause 50, page 35, line 24, at end insert ‘or the failure to do so within a prescribed time scale’.
- Mrs Sharon Hodgson **145**
 Clause 50, page 35, line 37, at end insert ‘or the failure to do so within a prescribed time scale’.

Children and Families Bill, *continued*
Tribunal service: information on cases related to special educational needs

Mrs Sharon Hodgson

NC20

To move the following Clause:—

- ‘(1) The Secretary of State must collect information on all cases related to special educational needs which are considered by the Tribunal Service, including—
- (a) the local authority involved;
 - (b) the cost to the Tribunal Service;
 - (c) the amount spent by the local authority on fighting each case;
 - (d) the nature of each case; and
 - (e) the outcome of each case.
- (2) The Secretary of State must collate and publish information collected in the exercise of his functions under subsection (1) once a year.
- (3) The following bodies must make arrangements to provide such information to the Secretary of State as is necessary to enable him to perform his functions under this section—
- (a) the Tribunal Service;
 - (b) local authorities.’.

Mrs Sharon Hodgson

146

Clause 51, page 37, line 13, at end insert—

- ‘(7A) All correspondence sent and received and documents produced by a mediation adviser or mediator in respect of a case must be made available to—
- (a) the family of the child concerned, or the young person concerned;
 - (b) the local authority; and
 - (c) the First-tier Tribunal.
- (7B) The First-tier Tribunal must have regard to documents supplied under subsection (7A) in consideration of a claim brought to it under section 50 (appeals).’.

Mrs Sharon Hodgson

147

Clause 51, page 37, line 16, at end insert ‘;

“parent” means any responsible family member.’.

Mrs Sharon Hodgson

148

Clause 52, page 37, line 26, leave out ‘parents’ and insert ‘families’.

Mrs Sharon Hodgson

149

Clause 52, page 37, line 34, leave out ‘parent’ and insert ‘family’.

Mrs Sharon Hodgson

150

Clause 52, page 37, line 43, leave out ‘parents’ and insert ‘families’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson

151

Clause 52, page 37, line 40, at end insert—

- ‘(5A) The Secretary of State may provide guidance to local authorities on how to discharge their duties under this section, including—
- (a) the criteria to be used when appointing an independent person under subsection (5);
 - (b) the publication of contracts or agreements made between the local authority and independent persons it appoints under subsection (5);
 - (c) producing documentation of any meetings or correspondence between independent persons appointed under subsection (5) and—
 - (i) families of children with special educational needs or young people with special educational needs;
 - (ii) the local authority;
 - (iii) relevant schools or post-16 institutions; and
 - (iv) any other relevant individuals, agencies or organisations the appointed independent person may deem necessary to contact in the course of his work under this section;
 - (d) the timescale for the appointment of an independent person under subsection (5);
 - (e) the number of independent persons to be appointed by a local authority in the relation to the number of children and young people with special educational needs for whom the local authority is responsible; and
 - (f) any other matter he deems necessary, or which is requested of him by a local authority.’

Mrs Sharon Hodgson

152

Clause 53, page 39, line 7, at end insert—

- ‘(2A) The Secretary of State must provide for pilot schemes created under this section to be evaluated, and publish a report on the evaluation prior to making an order under section 54 (appeals and claims by children: follow-up provision).’

Mrs Sharon Hodgson

153

Clause 54, page 39, line 23, at end insert ‘and unless a draft to the order has been laid before, and approved by, each House of Parliament.’

Mrs Sharon Hodgson

154

Clause 54, page 39, line 22, leave out ‘order is made under section 53(1)’ and insert ‘pilot schemes established under section 53 (appeals and claims by children: pilot schemes) come into effect, or before an evaluation of said pilot schemes has been published by the Secretary of State under section 53(2A).’

Mrs Sharon Hodgson

155

Clause 56, page 40, line 16, leave out from ‘be’ to end of line 17 and insert ‘in the best interests of the child or young person and their family’.

Mrs Sharon Hodgson

156

Clause 56, page 40, line 18, leave out ‘parent’ and insert ‘family’.

Children and Families Bill, *continued*

- Mrs Sharon Hodgson 157
Clause 58, page 40, line 38, after ‘institution’, insert ‘, institution approved under section 41’.
- Mrs Sharon Hodgson 158
Clause 58, page 41, line 8, after ‘institution’, insert ‘, institution approved under section 41’.
- Mrs Sharon Hodgson 159
Clause 59, page 42, line 4, at end add—
‘(6) Agreements made under this section should be published by the local authority in digital format within one calendar month of being made.’.
- Mrs Sharon Hodgson 160
Clause 60, page 42, line 12, leave out subsection (3).
- Mrs Sharon Hodgson 161
Clause 60, page 42, line 13, at end add—
‘(4) A local authority should contact the governing body of a school, post-16 institution or other institution at which education or training is provided before accessing their premises, unless doing so would negate the purpose of the visit.’.
- Mrs Sharon Hodgson 162
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 a child or young person;
(b) the family of a child or young person;
(c) the young person;
(d) the First Tier Tribunal; or
(e) the Education Funding Agency.’.
- Mrs Sharon Hodgson 163
Clause 61, page 42, line 28, at end insert—
‘(2B) The appropriate authority must have regard to any advice regarding its duties under this section, where such advice is issued by—
(a) the Secretary of State;
(b) Her Majesty’s Chief Inspector of Education;
(c) the local authority; or
(d) the Education Funding Agency.’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson

164

Clause 62, page 42, line 39, after ‘staff’, insert ‘who shall be a qualified teacher.’.

Mrs Sharon Hodgson

165

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

- ‘(2A) The SEN co-ordinator designated under the provisions of subsection (2) must be, or on designation must become, a member of the senior management or leadership team within the school.
- (2B) The SEN co-ordinator designated under the provisions of subsection (2) must be a qualified teacher.’.

Early years area SEN co-ordinators

Mrs Sharon Hodgson

NC21

To move the following Clause:—

- ‘(1) Local authorities must appoint sufficient full-time equivalent members of staff (to be known as Early Years Area SEN Co-ordinators) to have responsibility for co-ordinating provision for children in Ofsted-registered early years settings other than maintained nursery schools.
- (2) In assessing sufficiency of staffing levels under subsection (1) the local authority must have regard to—
 - (a) the number of children with special educational needs in its area registered with early years settings to which subsection (1) applies;
 - (b) the number and geographical location of early years settings to which subsection (1) applies.
- (3) Regulations may provide for—
 - (a) further considerations to be made by local authorities in exercising their duties under subsection (1);
 - (b) the specific responsibilities of Early Years Area SEN Co-ordinators.
- (4) The Secretary of State shall publish guidance to local authorities to assist in exercising their functions under subsection (1).
- (5) Local authorities must publish information on the provision of Early Years Area SEN Co-ordinators as part of exercising their duties under section 30 of this Act (local offer for children and young people with special educational needs).’.

Mrs Sharon Hodgson

166

Clause 63, page 43, line 14, after ‘school’, insert ‘, an institution within the further education sector’.

Mrs Sharon Hodgson

167

Clause 63, page 43, line 17, leave out ‘parent’ and insert ‘family’.

Mrs Sharon Hodgson

168

Clause 63, page 43, line 19, at end insert—

- ‘(2A) In performing its duty under subsection (2), an appropriate authority must—

Children and Families Bill, *continued*

- (a) attempt to do so as soon the decision is taken;
- (b) ensure that the child's family or the young person are made fully aware of the reason for and the process behind the decision being taken;
- (c) engage fully with the family or young person in making further decisions with regard to educational provision for the child or young person; and
- (d) inform the local authority in which the child or young person residents.'.

Mrs Sharon Hodgson

169

Clause **63**, page **43**, line **22**, after 'school', insert ', an institution within the further education sector'.

Mrs Sharon Hodgson

170

Clause **64**, page **43**, line **28**, after 'schools', insert 'institutions within the further education sector'.

Mrs Sharon Hodgson

171

Clause **64**, page **44**, line **3**, at end insert—
 '(v) policies designed to promote the understanding of disability amongst other pupils and the inclusion of disabled pupils in lessons and activities.'

Mrs Sharon Hodgson

172

Clause **65**, page **44**, line **16**, leave out '19' and insert '25'.

Mrs Sharon Hodgson

173

Clause **65**, page **44**, line **34**, leave out '19' and insert '25'.

Mrs Sharon Hodgson

174

Clause **65**, page **44**, line **17**, at end insert—
 '(1A) Information collected and provided under subsection (2) should be published including local and regional breakdowns.'

Mrs Sharon Hodgson

175

Clause **65**, page **44**, line **13**, after 'thinks', insert 'having had regard to accessibility requirements under the Equality Act 2010.'

Mrs Sharon Hodgson

176

Clause **65**, page **44**, line **39**, at end insert—
 '(4A) In exercising his duties under subsection (4), the Secretary of State shall—
 (a) invite comment on the content and format of published information;
 (b) publish the comments received and any subsequent responses, in the form of a report; and
 (c) provide an explanation of any year on year differences in the content and format of the published information in an accompanying document.'

Children and Families Bill, *continued*

- Mrs Sharon Hodgson 177
 Clause 65, page 45, line 3, leave out subsection (8).
- Mrs Sharon Hodgson 178
 Clause 67, page 45, line 40, at end insert ‘and Explanatory Notes to the draft of the code.’.
- Mrs Sharon Hodgson 179
 Clause 67, page 45, line 40, at end insert—
 ‘(1A) Where the Secretary of State proposes to revise the code, the explanatory notes referred to in subsection (1) must include an explanation of the proposed revisions and the reasons for those revisions.’.
- Mrs Sharon Hodgson 180
 Clause 67, page 46, line 1, leave out ‘such persons as the Secretary of State sees fit’ and insert ‘publicly, for a period of not less than 90 days’.
- Mrs Sharon Hodgson 181
 Clause 67, page 46, line 2, leave out ‘by them’ and insert ‘as part of that consultation’.
- Mrs Sharon Hodgson 182
 Clause 67, page 46, line 6, leave out subsections (4) to (8) and insert—
 ‘(4) The code (or revised code) may be issued only in the form of a draft code which has been approved by resolution of each House of Parliament.’.
- Mrs Sharon Hodgson 183
 Page 47, line 15, leave out Clause 69.

Application of Part 3 to detained children and young people

- Mrs Sharon Hodgson NC22
 To move the following Clause:—
- ‘(1) This section applies to children and young people detained in custody in pursuance of—
- (a) an order made by a court, or
 - (b) an order of recall made by the Secretary of State.
- (2) Where a child or young person under the age of 18 to whom subsection (1) applies has an EHC plan immediately prior to commencing his or her custodial sentence, the local authority responsible for that child or young person must determine which elements of provision described in the said plan may be delivered during that sentence.

Children and Families Bill, continued

- (3) Where a child or young person under the age of 18 to whom subsection (1) applies has an EHC plan immediately prior to commencing his or her custodial sentence—
- (a) if that sentence is greater than 13 weeks in minimum length, the responsible local authority may cease the plan;
 - (b) if the sentence is not more than 13 weeks in minimum length, the responsible local authority may consider whether it would be advantageous to continue to deliver any parts of the child or young person's EHC plan during his or her detention.
- (4) In the course of their considerations under subsections (2) and (3), the responsible local authority must consult—
- (a) the child or young person concerned, and their family;
 - (b) the institution in which the child or young person will be detained;
 - (c) any organisations delivering education or training within or on behalf of the institution in which the child or young person will be detained, and;
 - (d) any professionals or agencies other than the local authority which currently provide services under the terms of the child or young person's EHC plan.
- (5) In the course of their considerations under subsections (2) and (3), the responsible local authority must have regard to—
- (a) the nature of the crime for which the child or young person has been detained;
 - (b) the age of the child or young person;
 - (c) the previous educational outcomes of the child or young person;
 - (d) the views of those consulted by virtue of subsection (4), and;
 - (e) the level and appropriateness of education or training delivered within or on behalf of the institution in which the child or young person will be detained.'.

Mrs Sharon Hodgson

184

Clause 72, page 48, line 23, at end insert—

“well-being” means well-being so far as relating to the matters specified in section 10(2) (a) to (e) of the Children Act 2004.’.

Inclusion within mainstream schools and post-16 institutions

Mrs Sharon Hodgson

NC23

To move the following Clause:—

- ‘(1) This section applies where a child or young person with special educational needs attends a mainstream school or post-16 institution.
- (2) The relevant authority should use its best endeavours to ensure that—
- (a) the child or young person is able to access mainstream courses and qualifications within that institution;
 - (b) all staff working at the school who may have contact with the child or young person are aware of the needs of that child or young person;
 - (c) all web-based content provided by it or on its behalf meets British Standard 8878:2010; and
 - (d) all students in attendance at the institution are able to play an active role in school life.

Children and Families Bill, *continued*

- (3) The relevant authority should produce and publish a document explaining how it meets its duties under this section.
- (4) The Secretary of State should, within one year of the commencement of this Act, produce guidance for schools and post-16 institutions to assist them in fulfilling their duties under this section.’

Inclusion: apprenticeships

Mrs Sharon Hodgson

NC24

To move the following Clause:—

- ‘(1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows:
 - (2) After section 12(2) insert new subsection—
 - “(2A) The requirements specified should not adversely affect the participation of young people with special educational needs or disabilities in apprenticeship schemes, if they are able to perform at the prescribed occupational standard required by the apprenticeship framework.”’.

Children and young people temporarily unable to attend mainstream school

Mrs Sharon Hodgson

NC25

To move the following Clause:—

- ‘(1) This section applies where a child or young person of compulsory school age is unable to attend school for a period of between one and twenty four months.
- (2) The local authority responsible for a child or young person for whom subsection (1) applies must ensure that appropriate educational provision is available and provided to the child or young person concerned, and that any identified health or social care needs are provided for.
- (3) Regulations may specify acceptable reasons for which subsection (1) may apply, including, but not limited to—
 - (a) the placement of the child or young person in a certain school under section 39 of this Act is the subject of dispute;
 - (b) the child or young person has been withdrawn from school while an EHC Plan is being prepared;
 - (c) the child or young person has been withdrawn from school as a result of a diagnosed medical condition;
 - (d) the child or young person has been withdrawn from school, whether by the school, their parents or themselves, as a result of bullying or fear of bullying;
 - (e) the child or young person has been withdrawn from school as a result of a diagnosed mental condition or temporary mental instability, including phobia or trauma.
- (4) In discharging their duties under this section, a local authority must—
 - (a) consult with the child or young person and their family;
 - (b) consult with the school at which the child or young person is currently enrolled, or was last enrolled at;
 - (c) consult with professionals from any other agency known to be in contact with the child or young person and their family in relation to the reason

Children and Families Bill, *continued*

for which the child or young person concerned has been withdrawn from school;

- (d) continue to monitor the development of the child or young person concerned;
- (e) have regard to the age and prior educational outcomes of the child or young person when determining provision, and
- (f) consider the suitability of internet-based educational provision.’.

Reporting on implementation of Part 3

Mrs Sharon Hodgson

NC26

To move the following Clause:—

‘Within the period of one year beginning with the commencement of this Part, and every year thereafter, the Secretary of State must lay before Parliament a report about the effect of this Part.’

Mr Robert Buckland

185

Clause 30, page 24, line 22, at end insert—

- ‘(e) information about how transitional planning will be undertaken by officers of the local authority;
- (f) information on additional services for children with high incidence and low severity needs.’

Mr Robert Buckland

186

Clause 44, page 32, line 36, at end insert—

- ‘(b) about circumstances in which a local authority must or may review an EHC plan as a result of responsibility for all or part of a child or young person’s EHC plan being transferred between teams in a local authority.’

Mr Robert Buckland

187

Clause 25, page 19, line 21, leave out ‘in its area who have special educational needs, or’ and insert—

- ‘(i) in its area who have special educational needs, or
- (ii) outside its area for children or young people for whom it is responsible who have special educational needs.’

Mr Robert Buckland

188

Clause 28, page 22, line 39, at end add—

- ‘() A local authority in England may co-operate with another local authority in England to commission and provide services for children and young people with low incidence special educational needs.’

Mr Robert Buckland

189

Clause 21, page 18, line 16, at end insert ‘including the private, voluntary and independent early years sector and home-based early years provision.’

Children and Families Bill, *continued*

- Mr Robert Buckland 190
 Clause 41, page 31, line 10, at end insert ‘and listed in a local offer.’.
- Mr Robert Buckland 191
 Clause 41, page 31, line 22, at end insert—
 ‘() The Secretary of State must give consideration to an institution’s request to be approved if it meets the criteria outlined in Regulations made under this section.’.
- Mr Robert Buckland 192
 Clause 41, page 31, line 33, at end insert—
 ‘() what recourse institutions will have to appeal or review decisions made by the Secretary of State;
 () as to what timetable a list of institutions will be adjusted, published and reviewed;
 () what relation an approved list of institutions has with regulations governing local offers.’.
- Mr Robert Buckland 193
 Clause 27, page 21, line 18, at end insert—
 ‘() the governing bodies, proprietors or principals of institutions approved by the Secretary of State under section 41 (independent special schools and special post-16 institutions: approval).’.
- Mr Robert Buckland 194
 Clause 30, page 23, line 25, after ‘provision’, insert ‘including institutions approved by the Secretary of State under section 41’.
- Mr Robert Buckland 195
 Clause 22, page 18, line 32, after ‘identifies’, insert ‘as early as possible’.
- Mr Robert Buckland 196
 Clause 30, page 24, line 13, at end insert—
 ‘(f) the arrangements to support all teaching staff to help children with special educational needs.’.

Access to therapeutic support

- Annette Brooke NC27
 To move the following Clause:—
 ‘(1) Where a child has been abused or harmed, or a child has been placed at risk of abuse or harm, the local authority or clinical commissioning group has a duty to provide health services, where appropriate.
 (2) In this section—

Children and Families Bill, *continued*

“health services” includes, but is not limited to, therapeutic counselling and other mental health services;

“local authority” has the meaning given by subsection 13(9);

“clinical commissioning group” has the meaning given by section 10 of the Health and Social Care Act 2012.’.

Duty to promote the mental health and emotional wellbeing of looked after children

Annette Brooke

NC28

To move the following Clause:—

‘In section 22 of the Children Act 1989 [General duty of local authority in relation to children looked after by them] after subsection (3A) insert the following new subsections—

“(3B) The duty of a local authority under subsection (3)(a) to safeguard and promote the welfare of a child looked after by them includes in particular a duty to promote the child’s mental health and emotional wellbeing.

(3C) A local authority in England must appoint at least one person for the purposes of discharging the duties imposed by virtue of subsection (3B).

(3D) A person appointed by a local authority under subsection (3C) must be an officer or the local authority, another local authority or a health body in England”.’.

Annette Brooke

197

Clause **33**, page **25**, line **18**, leave out ‘maintained’ and insert ‘mainstream’

Annette Brooke

198

Clause **25**, page **19**, line **36**, at end insert—
‘(h) communication, language and literacy.’.

Annette Brooke

199

Clause **26**, page **20**, line **23**, at end insert—
‘(d) securing the provision set out in section 30 [Local offer for children and young people with special educational needs].’.

Annette Brooke

200

Clause **28**, page **21**, line **37**, leave out ‘maintained nursery school’ and insert ‘the providers of relevant early years education in its area’.

Annette Brooke

201

Clause **29**, page **22**, line **45**, leave out ‘maintained nursery school’ and insert ‘the providers of relevant early years education in its area’.

Children and Families Bill, *continued*

Annette Brooke

202

Clause 64, page 44, line 3, at end insert—

- ‘(v) progress made by children and young people with special educational needs in language, literacy, communication and numeracy;
- (vi) services contributed to or procured through section 30 [Local offer for children and young people with special educational needs].’.

Maintaining a register of sight impaired and severely sight impaired children and young people

Annette Brooke

NC29

To move the following Clause:—

‘A local authority in England must establish and maintain a register of sight impaired and severely sight impaired children and young people who are ordinarily resident in its area.’.

Annette Brooke

203

Clause 35, page 27, line 3, leave out ‘maintained nursery school’ and insert, ‘relevant early years setting’.

Duty to assess and meet young carers’ needs for care and support

Mr Robert Buckland
Annette Brooke
Lucy Powell

NC30

To move the following Clause:—

- ‘(1) Where it appears to a local authority that a child within their area may provide or be about to provide care to an adult or a child who is disabled, the authority must—
 - (a) assess whether the child has needs for support relating to their caring role (or is likely to have such needs in the future), and
 - (b) if the child is found to have such needs, set out what those needs are (or are likely to be in the future).
- (2) Having carried out an assessment under subsection (1), a local authority must meet those needs for support which it considers to be necessary to meet in order to safeguard and promote the child’s welfare.
- (3) Having carried out an assessment under subsection (1), a local authority must also consider whether the adult is or may be eligible for assessment under the Care and Support Act 2013, and if so must ensure such an assessment is carried out unless that adult objects.
- (4) Having carried out an assessment under subsection (1), a local authority must consider whether, in the case of a child who is caring for a disabled child, the child being cared for requires an assessment under the Children Act 1989 and if so shall

Children and Families Bill, *continued*

carry out that assessment unless the person with parental responsibility for that child objects.

- (5) The Secretary of State shall issue guidance in relation to the duties set out above having consulted with persons whom the Secretary of State considers to be appropriate, the said guidance to be issued under section 7 of the Local Authority Social Services Act 1970.
- (6) Any service provided by an authority in the exercise of functions conferred on them under this section may be provided for the family or for any member of the child's family, and may include—
 - (a) services to the adult the child is providing care for to meet the adult's needs for care and support; and
 - (b) services to the adult to enhance their parenting capacity.

If such services are provided with a view to safeguarding and promoting the child's welfare.'.

Mr Robert Buckland

204

Clause 26, page 19, line 42, at end insert—

- '(1A) A local authority in England must, in exercising its functions under this Part, consider how it may encourage through any process of procurement it shall carry out—
- (a) a diversity of provision of education; and
 - (b) non-discrimination between maintained schools and non-maintained schools.'.

Mr Robert Buckland

205

Clause 39, page 30, line 10, at end insert—

- '(4A) Where a local authority considers that subsection 4(b) applies it must, before reaching a conclusion on that matter, consider such incompatibility in a manner that does not discriminate between maintained schools and non-maintained schools.'.

Inspection and review of local authorities in England

Mr Robert Buckland

NC31

To move the following Clause:—

- (1) Section 135 of the Education and Inspections Act 2006 is amended as follows.
- (2) After section 135(1)(e), insert—
 - “(ea) the functions conferred on the authority under Part 3 of the Children and Families Act 2013.”.
- (3) After section 136(4), insert—
 - “(5) The Chief Inspector must inspect the performance by an authority in supporting children and young people with special educational needs.”.’.

Mr Robert Buckland

206

Clause 24, page 19, line 3, leave out 'who is under compulsory school age'.

Children and Families Bill, *continued*

Mr Robert Buckland

207

Clause 66, page 45, leave out line 30, and insert ‘The Secretary of State must review and revise the code on a regular basis.’.

Mr Robert Buckland

208

Clause 67, page 46, leave out lines 1 and 2, and insert ‘The Secretary of State must consult those parties listed in section 66, subsection (1), about the draft and must consider any representations made by them.’.

Mr Robert Buckland

209

Clause 67, page 46, line 3, leave out sections 3, 4, 5, 6, 7 and 8 and insert—

- ‘(3) A code, or revision of a code, does not come into operation until the Secretary of State by order so provides.
- (4) The power conferred by subsection (3) shall be made by statutory instrument.
- (5) An order bringing a code or revision of a code, into operation may not be made unless a draft order has been laid before and approved by resolution of each House of Parliament.
- (6) When an order or draft of an order is laid, the code or revision of a code to which is relates must also be laid.
- (7) No order or draft of an order may be laid until the consultation required by subsection (2) has taken place.’.

Mr Robert Buckland

210

Clause 45, page 33, leave out lines 18 to 20, and insert ‘In determining whether it is no longer necessary of an EHC Plan to be maintained for a young person aged over 18, a local authority must have regard to the young person’s right to the continuation of an EHC Plan up to the age of 25 and access education provision in an age-appropriate setting.’.

Mr Robert Buckland

211

Clause 36, page 28, line 9, at end insert—

- ‘(8A) An EHC needs assessment, as set out in section 8, must be secured within 29 days of the notification.’.

Mr Robert Buckland

212

Clause 36, page 27, line 18, after second ‘a’, insert ‘provider of early years education.’.

Mr Robert Buckland

213

Clause 38, page 29, line 27, at end insert—

- ‘(g) an institution at which early years education is provided.’.

Mr Robert Buckland

214

Clause 26, page 19, line 42, at end insert—

Children and Families Bill, *continued*

‘(1A) Local authorities and Health and Wellbeing Boards must put in place arrangements for jointly reviewing services and developing joint outcomes frameworks.’

Mr Robert Buckland

215

Clause 30, page 24, line 22, at end add—

‘(4A) Where a service is set out in the local offer, the responsible agency has a duty to deliver that service.’

Mr Robert Buckland

216

Clause 61, page 42, line 28, at end insert—

‘(2A) In using their best endeavours to meet special educational needs, the school or other institution must provide a graduated response through using the School Action and School Action Plus stages.’

Mrs Sharon Hodgson

217

Clause 46, page 33, line 41, at end add—

‘(3) Where a young person is completing a programme of study, supported internship or apprenticeship which does not conform to academic years, a local authority may continue to maintain an EHC plan for that young person until the end of that programme where this programme has been commenced by mutual consent of—

- (a) the young person;
- (b) the local authority; and
- (c) any health bodies contributing to support delivered by virtue of the young person’s EHC plan.’

Mr Robert Buckland

218

Clause 36, page 28, leave out lines 16 and 17, and insert ‘In forming an opinion for the purposes of this section in relation to a young person aged over 18, a local authority must have regard to the young person’s right to the continuation of an EHC Plan up to the age of 25 and access education provision in an age-appropriate setting.’

Mr Robert Buckland

219

Clause 37, page 29, leave out lines 5 and 6, and insert ‘In making a decision for the purposes of this section in relation to a young person aged over 18, a local authority must have regard to the young person’s right to the continuation of an EHC Plan up to the age of 25 and access education provision in an age-appropriate setting’.

Mr Robert Buckland

220

Clause 44, page 32, leave out lines 27 to 29, and insert ‘reviewing an EHC Plan maintained for a young person aged over 18, or deciding whether to secure a re-assessment of the needs of such a young person, a local authority must have regard to the young person’s right to the continuation of an EHC Plan up to the age of 25 and access education provision in an age-appropriate setting.’
