



House of Commons

Tuesday 16 April 2013

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

CHILDREN AND FAMILIES BILL

NOTE

The Amendments have been arranged in accordance with the Order of the Committee [5 March 2013].

Mr Robert Buckland			
Clause 36, page 28, line 28, after ‘assessments’, insert ‘including—			43
(i) triggering assessments under section 17 of the Children Act; and			
(ii) healthcare assessments.’.			
Mrs Sharon Hodgson Lisa Nandy			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 Lisa Nandy			121
Clause 36, page 28, line 35, at end add—			
‘(m) imposing time limits on the determination of an assessment.’.			
Mrs Sharon Hodgson Lisa Nandy			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.’.			

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

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.’

Mr Edward Timpson

62

Clause 37, page 29, line 3, leave out from ‘provision’ to end of line 4 and insert ‘reasonably required by the learning difficulties and disabilities which result in him or her having special educational needs.

- (2A) An EHC plan may also specify other health care and social care provision reasonably required by the child or young person.’

Mrs Sharon Hodgson
Lisa Nandy

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.’

Mr Robert Buckland

219

Clause 37, page 29, line 5, leave out subsection (3) and insert—

- ‘(3) 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.’

Mrs Sharon Hodgson
Lisa Nandy

125

Clause 37, page 29, line 6, at end insert ‘and previous educational outcomes.’

Mr Robert Buckland

44

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

- ‘(g) an institution of higher education which the young person has accepted an offer from.’

Mr Robert Buckland

213

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

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

Children and Families Bill, *continued*

Caroline Nokes

224

- Clause 38, page 29, line 27, at end insert—
(g) a voluntary training provider;
(h) a private training provider.’
-

Mrs Sharon Hodgson
Lisa Nandy

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.’

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.’

Mrs Sharon Hodgson
Lisa Nandy

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
Lisa Nandy

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—
(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.’
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Children and Families Bill, *continued*

Mr Robert Buckland

Clause 41, page 31, line 10, at end insert ‘and listed in a local offer.’

190

Mr Robert Buckland

Clause 41, page 31, line 22, at end insert—

‘(3A) 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.’

191

Mrs Sharon Hodgson

Lisa Nandy

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.’

132

Mrs Sharon Hodgson

Lisa Nandy

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.’

133

Mrs Sharon Hodgson

Lisa Nandy

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).’

134

Mr Robert Buckland

Clause 41, page 31, line 33, at end insert—

‘(e) what recourse institutions will have to appeal or review decisions made by the Secretary of State;
 (f) as to what timetable a list of institutions will be adjusted, published and reviewed;
 (g) what relation an approved list of institutions has with regulations governing local offers.’

192

Mr Edward Timpson

Clause 42, page 31, line 34, at end insert—

63

Children and Families Bill, *continued*

‘(Z1) This section applies where a local authority maintains an EHC plan for a child or young person.’.

Mr Edward Timpson

- 64**
- Clause 42, page 31, line 35, leave out subsection (1) and insert—
- ‘(1) The local authority must secure the specified special educational provision for the child or young person.
 - (1A) If the plan specifies health care provision, the responsible commissioning body must arrange the specified health care provision for the child or young person.
 - (1B) “The responsible commissioning body”, in relation to any specified health care provision, means the body (or each body) that is under a duty to arrange health care provision of that kind in respect of the child or young person.’.

Mrs Sharon Hodgson
Lisa Nandy

- 135**
- Clause 42, page 31, line 36, after ‘provision’, insert ‘and social care provision’.

Mr Edward Timpson

- 65**
- Clause 42, page 31, line 37, leave out ‘Subsection (1) does not apply if’ and insert ‘Subsections (1) and (1A) do not apply to the extent that’.

Mr Edward Timpson

- 66**
- Clause 42, page 31, line 38, after ‘suitable’, insert ‘alternative’.

Mr Edward Timpson

- 67**
- Clause 42, page 31, line 38, at end insert—
- ‘(3) “Specified”, in relation to an EHC plan, means specified in the plan.’.

Mr Robert Buckland

- 45**
- Clause 44, page 32, line 18, after ‘maintains’, insert ‘, or has ever maintained,’.

Mr Robert Buckland

- 220**
- Clause 44, page 32, line 27, leave out subsection (5) and insert—
- ‘(5) In 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.’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Clause 44, page 32, line 29, at end insert ‘and prior educational outcomes’. **137**

Mrs Sharon Hodgson
Lisa Nandy

Clause 44, page 32, line 31, after ‘child’, insert ‘, the child themselves where appropriate.’. **138**

Mr Robert Buckland

Clause 44, page 32, line 36, at end insert— **186**
 (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

Clause 45, page 33, line 5, leave out from ‘authority’ to end of line 6 and insert ‘must maintain an EHC plan for a child or young person up to their 25th birthday unless’. **46**

Mr Robert Buckland

Clause 45, page 33, line 18, leave out subsection (4) and insert— **38**
 (4) A local authority may only cease to maintain an EHC Plan if—
 (a) the authority has completed a transition review meeting with the child or young person and their family, at which there is agreement from all parties that the specified outcomes to the EHC plan have been achieved; and
 (b) a transition plan has been completed in partnership with the child or young person and their family and other agencies, which supports their progression into the next phase, including higher education or employment.’.

Mr Robert Buckland

Clause 45, page 33, line 18, leave out subsection (4) and insert— **210**
 (4) 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.’.

Mrs Sharon Hodgson
Lisa Nandy

Clause 45, page 33, line 20, at end insert ‘and prior educational outcomes’. **142**

Children and Families Bill, *continued*

Mr Robert Buckland

39

- Clause 45, page 33, line 35, at end insert—
 ‘(d) the procedure to be followed for transition review meetings and transition plan development.’.
-

Mrs Sharon Hodgson
Lisa Nandy

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.’.
-

Caroline Nokes

223

- Clause 48, page 34, line 39, at end insert—
 ‘(k) a local authority must offer the support of a dedicated key worker to a child or young person for whom it prepares a personal budget.’.

Mrs Sharon Hodgson
Lisa Nandy

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,

Children and Families Bill, *continued*

having had regard to the finding of the report produced by virtue of subsection (7).’.

Mrs Sharon Hodgson
Lisa Nandy

144

Clause 50, page 35, line 24, at end insert ‘or the failure to do so within a prescribed time scale’.

Mrs Sharon Hodgson
Lisa Nandy

145

Clause 50, page 35, line 37, at end insert ‘or the failure to do so within a prescribed time scale’.

Mr Robert Buckland

35

Clause 50, page 35, line 42, at end insert—
 (g) the social care provision specified in an EHC plan;
 (h) the healthcare provision specified in an EHC plan.’.

Mr Edward Timpson

221

Clause 50, page 36, line 11, at end insert—
 (5) A person commits an offence if without reasonable excuse that person fails to comply with any requirement—
 (a) in respect of the discovery or inspection of documents, or
 (b) to attend to give evidence and produce documents,
 where that requirement is imposed by Tribunal Procedure Rules in relation to an appeal under this section or regulations under subsection (4)(a).
 (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.’.

Mrs Sharon Hodgson
Lisa Nandy

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.

Children and Families Bill, *continued*

- (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).’.
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Mrs Sharon Hodgson
Lisa Nandy

- 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’.
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Mr Edward Timpson

- Clause 59, page 41, line 43, leave out ‘another authority or any’ and insert ‘any authority or’.

Mrs Sharon Hodgson
Lisa Nandy

- 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.’.
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Mrs Sharon Hodgson
Lisa Nandy

- 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.’.
-

Mr Graham Allen

- Clause 61, page 42, line 26, after ‘secure’, insert ‘so far as is reasonably possible’.

Mrs Sharon Hodgson
Lisa Nandy
Mr Graham Allen

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

Children and Families Bill, *continued*

- ‘(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
Lisa Nandy

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.’.

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
Lisa Nandy

164

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

Mrs Sharon Hodgson
Lisa Nandy

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.’.

Mr Graham Allen
Bill Esterson

286

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

Children and Families Bill, *continued*

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.’.

Mrs Sharon Hodgson
Lisa Nandy

Clause **63**, page **43**, line **14**, at end insert ‘, an institution within the further education sector’.

166

Mrs Sharon Hodgson
Lisa Nandy

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

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

- (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.’.

168

Mrs Sharon Hodgson
Lisa Nandy

Clause **63**, page **43**, line **23**, after ‘school’, insert ‘, an institution within the further education sector’.

169

Mrs Sharon Hodgson
Lisa Nandy

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

170

Mrs Sharon Hodgson
Lisa Nandy

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.’.

171

Annette Brooke

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

202

Children and Families Bill, *continued*

- ‘(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].’.
-

Mrs Sharon Hodgson
Lisa Nandy

Clause 65, page 44, line 16, leave out ‘19’ and insert ‘25’.

172

Mrs Sharon Hodgson
Lisa Nandy

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.’.

174

Mrs Sharon Hodgson
Lisa Nandy

Clause 65, page 44, line 34, leave out ‘19’ and insert ‘25’.

173

Mrs Sharon Hodgson
Lisa Nandy

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.’.

176

Mrs Sharon Hodgson
Lisa Nandy

Clause 65, page 45, line 3, leave out subsection (8).

177

Mr Robert Buckland

Clause 66, page 45, line 30, leave out subsection (2) and insert—

207

Children and Families Bill, *continued*

‘(2) The Secretary of State must review and revise the code on a regular basis.’.

Mr Robert Buckland

208

Clause 67, page 46, line 1, leave out subsection (2) and insert—

‘(2) 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.’.

Mrs Sharon Hodgson
Lisa Nandy

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
Lisa Nandy

181

Clause 67, page 46, line 2, leave out ‘by them’ and insert ‘as part of that consultation’.

Mr Robert Buckland

209

Clause 67, page 46, line 3, leave out subsections (3) to (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
Mrs Sharon Hodgson

53

Page 47, line 15, leave out Clause 69.

Mr Robert Buckland

225

Page 138, line 36, leave out Schedule 3.

Children and Families Bill, *continued*

Mr Edward Timpson

227

Schedule 3, page 138, line 39, at end insert—

- ‘A1 (1) Section 6 (nursery schools and special schools) is amended as follows.
- (2) Omit subsection (2).
- (3) In the title, omit “and special schools”.
- A2 (1) Section 13 (general responsibility for education) is amended as follows.
- (2) In subsection (3)(b) for “but under 25 and are subject to learning difficulty assessment” substitute “and for whom an EHC plan is maintained”.
- (3) Omit subsections (4) and (5).
- A3 In section 13A (duty to promote high standards and fulfilment of potential), in subsection (2)(b) for “but under 25 who are subject to learning difficulty assessment” substitute “and for whom an EHC plan is maintained”.
- A4 (1) Section 15ZA (duty in respect of education and training for persons over compulsory school age: England) is amended as follows.
- (2) In subsection (1) for “but under 25 and are subject to learning difficulty assessment” substitute “and for whom an EHC plan is maintained”.
- (3) In subsection (3)(b) after “learning difficulties” insert “or disabilities”.
- (4) In subsections (6) and (7) after “learning difficulty” insert “or disability”.
- (5) For subsection (9) substitute—
- “(9) The duty in subsection (1) does not apply in relation to persons in a local authority’s area who are subject to a detention order.”
- A5 In section 15A (powers in respect of education and training for 16 to 18 year olds), in subsection (3) for the words from “a local authority” to the end substitute “—
- (a) a local authority in England must in particular have regard to the needs of persons with learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7));
- (b) a local authority in Wales must in particular have regard to the needs of persons with learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000).”
- A6 In section 15B (functions in respect of education for persons aged over 19), in subsection (3) for the words from “a local authority” to the end substitute “—
- (a) a local authority in England must in particular have regard to the needs of persons with learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7));
- (b) a local authority in Wales must in particular have regard to the needs of persons with learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000).”
- A7 In section 18A (provision of education for persons subject to youth detention), in subsection (2)—
- (a) in paragraph (b) omit “or learning difficulties (within the meaning of section 15ZA(6) and (7))”, and
- (b) after that paragraph insert—
- “(ba) in the case of a local authority in England, any learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7)) the persons may have;

Children and Families Bill, *continued*

- (bb) in the case of a local authority in Wales, any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000) the persons may have;”.

Mr Edward Timpson

228

Schedule 3, page 139, leave out lines 5 to 8.

Mr Edward Timpson

229

Schedule 3, page 139, line 8, at end insert—

- ‘2A (1) Section 312 (meaning of “special educational needs” and “special educational provision” etc) is amended as follows.
- (2) In subsections (1) and (2), after “child” insert “in the area of a local authority in Wales”.
- (3) In subsection (3A)—
- (a) in paragraph (a)—
- (i) omit “15ZA”, and
- (ii) for “, 15B and 507B” substitute “and 15B”, and
- (b) in paragraph (b), before “determining” substitute “a local authority in Wales”.
- (4) In subsection (4), after ““special educational provision”” insert “, in relation to a child in the area of a local authority in Wales,”.

Mr Edward Timpson

230

Schedule 3, page 139, line 9, leave out paragraph 3 and insert—

- ‘3 (1) Section 313 (code of practice) is amended as follows.
- (2) In subsections (1) and (4) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (5)—
- (a) after “means” insert “the Special Educational Needs Tribunal for Wales.”, and
- (b) omit paragraphs (a) and (b).
- 3A (1) Section 314 (making and approval of code) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State proposes” substitute “Welsh Ministers propose”, and
- (b) for “he” substitute “they”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “Welsh Ministers”,
- (b) for “he thinks” substitute “they think”, and
- (c) for “them” substitute “those persons”.
- (4) For subsection (3) substitute—
- “(3) If the Welsh Ministers determine to proceed with the draft (either in its original form or with such modifications as they think fit) they shall lay it before the National Assembly for Wales.”
- (5) In subsection (4)—

Children and Families Bill, *continued*

- (a) for “each house, the Secretary of State” substitute “the National Assembly for Wales, the Welsh Ministers”, and
- (b) for “the Secretary of State may” substitute “the Welsh Ministers may”.’.

Mr Edward Timpson

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Schedule 3, page 139, line 14, at end insert—

‘() In subsection (2) —

- (a) in paragraph (a), for sub-paragraph (ii) substitute—

“(ii) the governing body of the school or, if the school is in England, its head teacher,” and

- (b) in paragraph (c), for sub-paragraph (ii) substitute—

“(ii) the governing body of the school or, if the school is in England, its head teacher.”.’.

Mr Edward Timpson

232

Schedule 3, page 139, line 16, leave out ‘National Assembly for Wales’ and insert ‘Welsh Ministers’.

Mr Edward Timpson

233

Schedule 3, page 139, line 18, leave out sub-paragraph (3) and insert—

‘() In subsection (10)—

- (a) omit “, in relation to Wales,” and

- (b) for “National Assembly for Wales” substitute “Welsh Ministers”.’.

Mr Edward Timpson

234

Schedule 3, page 139, line 18, at end insert—

‘4A In section 317 (duties of governing body or local authority in relation to pupils with special educational needs), in subsection (5)—

- (a) after “foundation special school shall” insert “include special needs information in the report prepared under section 30(1) of the Education Act 2002 (governors’ report).”, and

- (b) omit paragraphs (a) and (b).

4B (1) Section 318 (provision of goods and services in connection with special educational needs) is amended as follows.

(2) Omit subsections (3) and (3A).

(3) In subsection (3B) omit “in Wales” (in the first place it occurs).

(4) In consequence of the repeal made by sub-paragraph (2)—

- (a) in Schedule 30 to the School Standards and Framework Act 1998 omit paragraph 75(4),

- (b) in the Education Act 2002, in section 194 omit subsection (2)(a), and

- (c) in Schedule 2 to the Childcare Act 2006, omit paragraph 21.

4C In section 326 (appeal against contents of statement), in subsection (4)(c) for the words from “in the case” to “in the proceedings” substitute “in the proceedings the child has proposed the school”.

4D (1) Section 326A (unopposed appeals) is amended as follows.

(2) In subsection (1), for paragraph (a) substitute—

Children and Families Bill, *continued*

- “(a) the parent of a child, or a child, has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local authority, and”.
- (3) In subsection (6)—
- (a) after “regulations made” insert “by the Welsh Ministers”, and
 - (b) omit paragraphs (a) and (b).
- 4E (1) Section 328A (appeal against determination of local authority in England not to amend statement following review) is repealed.
- (2) In consequence of the repeal made by sub-paragraph (1), section 2 of the Children, Schools and Families Act 2010 is repealed.
- 4F (1) Section 329A (review or assessment of educational needs at request of responsible body) is amended as follows.
- (2) In subsection (14)—
- (a) after ““Relevant early years education”” insert “has the same meaning as it has (in relation to Wales) in section 123 of the School Standards and Framework Act 1998 except that it does not include early years education provided by a local authority at a maintained nursery school.”, and
 - (b) omit paragraphs (a) and (b).
- (3) In subsection (15)—
- (a) omit “, in relation to Wales,”, and
 - (b) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (4) In consequence of the amendments made by sub-paragraph (2), in paragraph 22 of Schedule 2 to the Childcare Act 2006, omit sub-paragraph (4).
- (5) Until the coming into force in relation to Wales of the amendments made by paragraph 22(2) and (3) of Schedule 2 to the Childcare Act 2006, section 329A of EA 1996 has effect as if for subsection (14) (as amended by sub-paragraph (2)) there were substituted—
- “(14) “Relevant nursery education” has the same meaning as in section 123 of the School Standards and Framework Act 1998, except that it does not include nursery education provided by a local authority at a maintained nursery school.”
- 4G (1) Section 332ZA (right of a child to appeal to the Welsh Tribunal) is amended as follows.
- (2) In subsection (1) omit “Welsh”.
 - (3) In the title omit “Welsh”.
- 4H In section 332ZB (notice and service of documents on a child in relation to an appeal by the child), in subsection (1) omit “in Wales”.
- 4I (1) Section 332ZC (case friends—Wales) is amended as follows.
- (2) In subsection (1), in paragraph (a) omit “in Wales”.
 - (3) In subsection (3), in paragraph (a) omit “Welsh”.
 - (4) In the title, omit “—Wales”.
- 4J (1) Section 332A (advice and information for parents—England) is repealed.
- (2) In consequence of the repeal made by sub-paragraph (1), section 2 of the Special Educational Needs and Disability Act 2001 is repealed.
 - (3) The repeals made by sub-paragraphs (1) and (2) do not affect the application for the time being of section 332A to certain local authorities in Wales by virtue of article 4(a) of the Education (Wales) Measure 2009 (Commencement No 3 and Transitional Provisions) Order 2012 (SI 2012/320).
- 4K (1) Section 332AA (advice and information— Wales) is amended as follows.

Children and Families Bill, *continued*

- (2) In subsection (1) omit “in Wales”.
- (3) In the title, omit “— Wales”.
- 4L (1) Section 332B (resolution of disputes—England) is repealed.
- (2) In consequence of the repeal made by sub-paragraph (1), section 3 of the Special Educational Needs and Disability Act 2001 is repealed.
- (3) The repeals made by sub-paragraphs (1) and (2) do not affect the application for the time being of section 332B to certain local authorities in Wales by virtue of article 4(b) of the Education (Wales) Measure 2009 (Commencement No 3 and Transitional Provisions) Order 2012 (SI 2012/320).
- 4M (1) Section 332BA (resolution of disputes—Wales) is amended as follows.
- (2) In subsections (1) and (2) omit “in Wales”.
- (3) In the title, omit “—Wales”.
- 4N (1) Section 332BB (independent advocacy services—Wales) is amended as follows.
- (2) In subsections (1) and (5) omit “in Wales”.
- (3) In the title, omit “—Wales”.
- 4O (1) Sections 332C to 332E (information about children in England with special educational needs) are repealed, and the cross-heading which precedes section 332C is omitted.
- (2) In consequence of the repeals made by sub-paragraph (1), section 1 of the Special Educational Needs (Information) Act 2008 is repealed.
- 4P In the cross-heading which precedes section 333 (Special Educational Needs Tribunal) after “Tribunal” insert “for Wales”.
- 4Q (1) Section 333 (constitution of Welsh Tribunal) is amended as follows.
- (2) Omit subsection (1ZB).
- (3) In the following provisions, omit “Welsh”—
 - (a) subsection (1),
 - (b) in subsection (2), paragraphs (a), (b) and (c),
 - (c) in subsection (5), paragraph (a), and paragraph (b) (in the first place it occurs), and
 - (d) subsection (6) (in the second place it occurs).
- (4) In the title, omit “Welsh”.
- 4R In section 335 (remuneration and expenses), in subsection (1) and (2) omit “Welsh” (in each case, in the second place it occurs).
- 4S (1) Section 336 (Tribunal procedure) is amended as follows.
 - (1) In the following provisions omit “Welsh”—
 - (a) subsection (1) (in the second place it occurs),
 - (b) in subsection (2), paragraphs (b), (o) and (p),
 - (c) subsection (2A),
 - (d) subsection (3) (in the second place it occurs), and
 - (e) subsection (4) (in the first place it occurs).
 - (2) Omit subsection (5A).
 - (3) In subsection (6) omit “or (5A)”.
- 4T (1) Section 336ZB (appeals from the Welsh Tribunal to the Upper Tribunal) is amended as follows.
- (2) In the following provisions, omit “Welsh”—
 - (a) subsection (1) (in both places it occurs),
 - (b) subsection (2), and
 - (c) subsection (3).

Children and Families Bill, continued

- (3) In the title, omit “Welsh”.
- 4U In section 336A (compliance with orders), in subsection (2)—
- (a) after “made” insert “by the Welsh Ministers with the agreement of the Secretary of State.”, and
 - (b) omit paragraphs (a) and (b).’.

Mr Edward Timpson

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- Schedule 3, page 139, line 29, at end insert—
- (1) Section 348 (provision of special education at non-maintained schools) is amended as follows.
 - (2) In subsection (1) after paragraph (a) (and before the “and” which follows it) insert—

“(aa) the child is in the area of a local authority in Wales.”.
 - (3) In the title, at the end insert “—Wales”.’.

Mr Edward Timpson

236

- Schedule 3, page 140, line 33, at end insert—
- ‘11A(1) Section 483A (city colleges and academies: special educational needs) is amended as follows.
 - (2) In subsection (2), in paragraph (a) for “a statement is maintained under section 324” substitute “an EHC plan or a statement under section 324 is maintained”.
 - (3) In subsection (3), in paragraph (a) for “the statement” substitute “the EHC plan”.
 - (4) In subsection (4), in paragraphs (a) and (b) after “specified in” insert “the plan or”.
 - 11B In section 507B (local authorities in England: functions in respect of leisure-time activities etc for persons aged 13 to 19 and certain persons aged 20 to 24), in subsection (2)(b) after “learning difficulty” insert “or disability”.
 - 11C In section 508F (local authorities in England: provision of transport etc for adult learners), in subsection (9) in the definition of “relevant young adult” for “who is aged under 25 and is subject to learning difficulty assessment” substitute “for whom an EHC plan is maintained”.
 - 11D In the title of section 508I (complaints about transport arrangements etc for young adults subject to learning difficulty assessment: England), for “adults subject to learning difficulty assessment” substitute “adult for whom EHC plan is maintained”.
 - 11E (1) Section 509AB (local authorities in England: further provision about transport policy statements for persons of sixth form age) is amended as follows.
 - (2) In subsection (1) after “difficulties” insert “or disabilities”.
 - (3) In subsection (2)(b) after “difficulties” (in each place it occurs) insert “or disabilities”.
 - 11F In section 509AC (interpretation of sections 509AA and 509AB), in subsection (4) after “learning difficulties” insert “or disabilities”.
 - 11G (1) Section 514A (provision of boarding accommodation for persons subject to learning difficulty assessment) is amended as follows.
 - (2) In subsection (1)—
 - (a) after “who is” insert “over compulsory school age and for whom an EHC plan is maintained.”, and
 - (b) omit paragraphs (a) and (b).

Children and Families Bill, *continued*

- (3) In the title, for “persons subject to learning difficulty assessment” substitute “person for whom an EHC plan is maintained”.
- 11H In section 517 (payment of fees at schools not maintained by a local authority), in subsection (1), for “or Part IV (special education needs)” substitute “, Part 4 (special education needs) or Part 3 of the Children and Families Act 2013 (children and young people in England with special educational needs)”.
- 11I (1) Section 532A (direct payments: persons with special educational needs or subject to learning difficulty assessment) is amended as follows.
- (2) In subsection (1)—
- (a) after “(“the beneficiary”)” insert “for whom the authority maintain an EHC plan.”, and
- (b) omit paragraphs (a) and (b).
- (3) In subsection (2)—
- (a) for paragraph (a) substitute—
- “(a) special educational provision specified in the EHC plan;”, and
- (b) omit paragraph (b).
- (4) In the title, omit “or subject to learning difficulty assessment”.
- 11J In section 532B (direct payments: pilot schemes), in subsection (9) for paragraph (a) substitute—
- “(a) section 43 of the Children and Families Act 2013 (duty to secure special educational provision in accordance with EHC plan);”.
- 11K In section 560A (work experience for persons over compulsory school age), in subsection (1)(b) for “but under 25 and are subject to learning difficulty assessment” substitute “and for whom an EHC plan is maintained”.
- 11L (1) Section 562C (detained persons with special educational needs) is amended as follows.
- (2) In subsection (1) after “local authority” insert “in England were maintaining an EHC plan for a detained person, or a local authority in Wales”.
- (3) In subsection (2) after “must” insert “maintain the plan or”.
- (4) In subsection (4), in paragraph (a) after “specified in” insert “the plan or”.
- 11M (1) Section 562G (information to be provided where statement of special educational needs previously maintained) is amended as follows.
- (2) In subsection (1) after “local authority” insert “in England were maintaining an EHC plan for the person, or a local authority in Wales”.
- (3) In subsection (3)—
- (a) after “maintaining” insert “the plan or”, and
- (b) after “copy of” insert “the plan or”.
- (4) In subsection (4) for “a statement for the person under section 324,” substitute “an EHC plan or a statement under section 324 for the person.”.
- (5) In subsection (5)—
- (a) after “maintaining” insert “the plan or”, and
- (b) after “copy of” insert “the plan or”.
- (6) In subsection (7), in paragraph (b) after “maintaining” insert “the EHC plan or”.
- (7) In subsection (8)—
- (a) after “maintaining” insert “the plan or”, and
- (b) in paragraph (a), for “a statement was being maintained for the person by a local authority under section 324” substitute “an EHC plan or a

Children and Families Bill, *continued*

statement under section 324 was being maintained for the person by a local authority”.

- (8) In subsection (9) after “a copy of any” insert “plan or”.
- 11N (1) Section 562H (release of detained person appearing to host authority to require assessment) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) Subsection (3) applies where it appears to the host authority that—
- (a) if the home authority are a local authority in England, the detained person will, on release, be a child within the meaning given in section 579(1);
- (b) if the home authority are a local authority in Wales, the detained person will, on release, be a child within the meaning given in section 312(5).”
- (3) In subsection (5), in paragraph (a) after “learning difficulty” insert “or disability”.

Mr Edward Timpson

237

Schedule 3, page 141, line 3, at end insert—

“special educational provision”—

- (a) in relation to a person in the area of a local authority in England, has the meaning given by section 21(1) and (2) of the Children and Families Act 2013;
- (b) in relation to a child in the area of a local authority in Wales, has the meaning given by section 312(4);”
- () after subsection (1) insert—
- “(1A) For the purposes of this Act a person is subject to learning difficulty assessment if—
- (a) an assessment under section 140 of the Learning and Skills Act 2000 (learning difficulty assessments: Wales) has been conducted in respect of the person, or
- (b) arrangements for such an assessment to be conducted in respect of the person have been made or are required to be made.”; and
- () before subsection (4) insert—
- “(3A) References in this Act to a person who is “in the area” of a local authority in England do not include a person who is wholly or mainly resident in the area of a local authority in Wales.
- (3B) References in this Act to a person who is “in the area” of a local authority in Wales do not include a person who is wholly or mainly resident in the area of a local authority in England.”.

Mr Edward Timpson

238

Schedule 3, page 141, line 6, at end insert—

() after the entry for “interest in land” insert—

“in the area of a local authority in England

section 579(3A)

Children and Families Bill, *continued*

in the area of a local authority in Wales

section
579(3B)",

() for the entry for "learning difficulty" substitute—

"learning difficulty (in relation to a child in the area of a local authority in Wales)

section 312(2)
and (3) (subject
to subsection
(3A))",.

Mr Edward Timpson

239

Schedule 3, page 141, leave out lines 7 to 11 and insert—

- () in the entry for "special educational needs", in the second column for "section 312(1)" substitute "section 579(1)",
- () in the entry for "special educational provision", in the second column for "section 312(4)" substitute "section 579(1)",
- () in the entry for "special school", in the second column for "sections 6(2) and" substitute "section", and
- () in the entry for "subject to learning difficulty assessment", in the second column for "section 13(4)" substitute "section 579(1A)".

Mr Edward Timpson

264

Schedule 3, page 141, line 11, at end insert—

- '13A In Schedule 35B (meaning of "eligible child" for purposes of section 508B), in paragraph 15(3)—
 - (a) in paragraph (a) for "statement maintained for the child under section 324" substitute "EHC plan maintained for the child", and
 - (b) in paragraph (b) for "statement" substitute "plan".
- 13B (1) In Schedule 36A (education functions), the table in paragraph 2 is amended as follows.
 - (2) In the entry for the Disabled Persons (Services, Consultation and Representation) Act 1986, in the second column after "child with" insert "an EHC plan or".
 - (3) In the entry for the Learning and Skills Act 2000, omit the entry for section 139A.

Mrs Sharon Hodgson
Lisa Nandy

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.

Children and Families Bill, *continued*

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’.

Mr Edward Timpson
Jo Swinson

241

Schedule 4, page 142, line 14, at end insert—

‘() In subsection (5), for “under Chapter 4” substitute “by the Chief Inspector for the purposes of Chapter 4”.’.

Mr Edward Timpson
Jo Swinson

242

Schedule 4, page 143, leave out lines 24 to 27 and insert—

“(aa) prohibiting the applicant from being registered in the early years register as an early years childminder if the applicant is registered with a childminder agency;

(ab) prohibiting the applicant from being registered with an early years childminder agency as an early years childminder if the applicant is registered—

(i) with another childminder agency;

(ii) in the early years register or the general childcare register;”’.

Mr Edward Timpson
Jo Swinson

243

Schedule 4, page 144, leave out lines 13 to 16 and insert—

“(aa) prohibiting the applicant from being registered in the early years register as an early years provider other than a childminder if the applicant is registered with a childminder agency;

(ab) prohibiting the applicant from being registered with an early years childminder agency as an early years provider other than a childminder if the applicant is registered—

(i) with another childminder agency;

(ii) in the early years register or the general childcare register;”’.

Mr Edward Timpson
Jo Swinson

244

Schedule 4, page 149, leave out lines 19 to 22 and insert—

“(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years childminder if the applicant is registered with a childminder agency;

Children and Families Bill, continued

- (ab) prohibiting the applicant from being registered with a later years childminder agency as an later years childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”’.

Mr Edward Timpson
Jo Swinson

245

Schedule 4, page 150, leave out lines 8 to 11 and insert—

- “(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years provider other than a childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with a later years childminder agency as a later years provider other than a childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”’.

Mr Edward Timpson
Jo Swinson

246

Schedule 4, page 150, line 36, at end insert—

‘17A In section 57 (special procedure for registered early years providers), in the title for “registered early years providers” substitute “providers registered in the early years register”.

17B After section 57 insert—

“57A Special procedure for providers registered with early years childminder agencies

- (1) Subsection (2) applies where—
 - (a) a person is registered with an early years childminder agency as an early years childminder, and
 - (b) that agency is also a later years childminder agency.
- (2) If the person gives notice to the agency that he or she proposes to provide later years childminding in respect of which he or she is required to be registered under this Chapter, the agency must—
 - (a) register the person in the register maintained by the agency as a later years childminder, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
- (3) Subsection (4) applies where—
 - (a) a person is registered with an early years childminder agency in respect of particular premises as an early years provider other than a childminder, and
 - (b) that agency is also a later years childminder agency.
- (4) If the person gives notice to the agency that he or she proposes to provide later years provision in respect of which he or she is required

Children and Families Bill, continued

to be registered under this Chapter on the same premises, the agency must—

- (a) register the person in the register maintained by the agency as a later years provider other than a childminder, in respect of the premises, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
- (5) Subsections (3) and (4) of section 56A apply in relation to a certificate of registration given in pursuance of subsection (2) or (4) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) or (2) of that section.”.

Mr Edward Timpson
Jo Swinson

247

Schedule 4, page 154, line 18, at end insert—

‘PART 3A

VOLUNTARY REGISTRATION WITH CHILDMINDER AGENCY

- 21A In section 65 (special procedure for persons already registered), in the title, at the end insert “in a childcare register”.
- 21B After section 65 insert—

“Voluntary registration of persons registered with childminder agencies

65A Procedure for persons already registered with a childminder agency

- (1) A person who is registered as an early years childminder with an early years childminder agency or as a later years childminder with a later years childminder agency may give notice to the agency that he or she wishes to be registered with the agency in respect of the provision in England of—
- (a) later years childminding for a child who has attained the age of eight;
 - (b) early years childminding or later years childminding for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.
- (2) If a person gives notice to an agency under subsection (1), the agency must—
- (a) register the person in the register maintained by the agency as a childminder registered under this Chapter, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
- (3) A person who is registered as an early years provider (other than an childminder) with an early years childminder agency or as a later years provider (other than a childminder) with a later years childminder agency in respect of particular premises may give notice to the agency that he or she wishes to be registered with the agency in respect of the provision on the same premises of—
- (a) later years provision (other than later years childminding) for a child who has attained the age of eight;

Children and Families Bill, *continued*

- (b) early years provision or later years provision (other than early years or later years childminding) for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.
 - (4) If a person gives notice to an agency under subsection (3), the agency must—
 - (a) register the person in the register maintained by the agency as a provider of childcare (other than a childminder) registered under this Chapter, in respect of the premises, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
 - (5) A certificate of registration given to the applicant in pursuance of subsection (2) or (4) must contain prescribed information about prescribed matters.
 - (6) If there is a change of circumstances which requires the amendment of a certificate of registration, the agency must give the registered person an amended certificate.”
- 21C In section 66 (conditions on registration), in subsections (1) and (5) for “under this Chapter” substitute “in Part B of the general childcare register”.
- 21D (1) Section 67 (regulations governing activities) is amended as follows.
- (2) In subsection (4)—
 - (a) after “Chief Inspector” insert “, early years childminder agencies or later years childminder agencies”, and
 - (b) omit “his”.
 - (3) In subsection (5)—
 - (a) after “Chief Inspector” insert “, early years childminder agencies or later years childminder agencies”, and
 - (b) omit “his”.
 - (4) In subsection (6) after paragraph (a) (and before the “or” which follows it) insert—
 - “(aa) by early years childminder agencies or later years childminder agencies in the exercise of functions under this Part,”.

Mr Edward Timpson
Jo Swinson

248

Schedule 4, page 154, line 33, at end insert—

- (i) In subsection (5) for “as a childminder under Chapter 4” substitute “under Chapter 4 in Part B of the general childcare register as a childminder”.

Mr Edward Timpson
Jo Swinson

249

Schedule 4, page 155, line 23, leave out ‘or 3’ and insert ‘, 3 or 4’.

Mr Edward Timpson
Jo Swinson

250

Schedule 4, page 156, line 27, leave out ‘or 3’ and insert ‘, 3 or 4’.

Children and Families Bill, *continued*

- Mr Edward Timpson
Jo Swinson
- 251**
- Schedule 4, page 156, line 40, leave out ‘or 3’ and insert ‘, 3 or 4’.
- Mr Edward Timpson
Jo Swinson
- 252**
- Schedule 4, page 157, line 40, leave out ‘under Chapter 4’ and insert ‘in Part B of the general childcare register’.
- Mr Edward Timpson
Jo Swinson
- 253**
- Schedule 4, page 159, line 7, at end insert—
- ‘(3C) An early years childminder agency or a later years childminder agency must not register for the purposes of Chapter 4 a person who is disqualified from registration by regulations under section 75.’’.
- Mr Edward Timpson
Jo Swinson
- 254**
- Schedule 4, page 159, line 8, leave out ‘or (3B)’ and insert ‘, (3B) or (3C)’.
- Mr Edward Timpson
Jo Swinson
- 255**
- Schedule 4, page 159, line 13, leave out ‘or (3B)’ and insert ‘, (3B) or (3C)’.
- Mr Edward Timpson
Jo Swinson
- 256**
- Schedule 4, page 162, line 17, leave out ‘or 3’ and insert ‘, 3 or 4’.
- Mr Edward Timpson
Jo Swinson
- 257**
- Schedule 4, page 162, line 29, after ‘to’ insert ‘the Secretary of State,’.
- Mr Edward Timpson
Jo Swinson
- 258**
- Schedule 4, page 162, line 32, after ‘to’ insert ‘the Secretary of State,’.
- Mr Edward Timpson
Jo Swinson
- 259**
- Schedule 4, page 162, line 35, leave out ‘or 3’ and insert ‘, 3 or 4’.
- Mr Edward Timpson
Jo Swinson
- 260**
- Schedule 4, page 162, line 39, at end insert—

Children and Families Bill, *continued*

- () in the case of information to be provided to the Secretary of State, information which the Secretary of State may require for the purposes of the Secretary of State's functions in relation to universal credit under Part 1 of the Welfare Reform Act 2012;'.

Mr Edward Timpson
Jo Swinson

- Schedule 4, page 163, line 40, leave out sub-paragraph (2) and insert—
- (2) In subsection (1)—
- (a) after paragraph (a) insert—
- “(aa) section 57A(2) and (4);
- (ab) section 61C(1);”, and
- (b) after paragraph (b) insert—
- “(ba) section 65A(1) and (3);”’.

261

Mr Edward Timpson
Jo Swinson

- Schedule 4, page 164, line 8, at end insert—
- () after the definition of “childcare” insert—
- ““childminder agency” means—
- (c) an early years childminder agency;
- (d) a later years childminder agency;”’.

262

Mrs Sharon Hodgson
Lisa Nandy

- Page 49, line 12, Leave out Clause 75.

285

Lisa Nandy
Mrs Sharon Hodgson

- ★ Schedule 5, page 168, line 9, at end insert—
- (2A) In sub-paragraph (1), after “Secretary of State” insert “with the consent of the Education Committee of the House of Commons”’.

294

Lisa Nandy
Mrs Sharon Hodgson

- ★ Schedule 5, page 168, line 11, at end insert—
- (aa) after sub-paragraph (2) insert—
- “(2A) In appointing the Children’s Commissioner the Secretary of State shall—

296

Children and Families Bill, *continued*

- (a) have due regard to the views of—
 - (i) any parliamentary committee which has published a view on the proposed appointment;
 - (ii) children involved in the appointment of the Children’s Commissioner, and
 - (iii) the advice of any selection panel, established for the purpose of interviewing candidates, as to their suitability for appointment;
- (b) appoint an individual only if the Secretary of State reasonably considers the individual—
 - (i) has experience and knowledge relating to children’s rights;
 - (ii) is able and willing to act independently of government;
 - (iii) enjoys the trust and confidence of the public (including children); and
 - (iv) is capable of effectively fulfilling the Children’s Commissioner’s primary function.”.’.

Lisa Nandy
Mrs Sharon Hodgson

295

★ Schedule 5, page 168, line 14, at end insert—

‘(d) after sub-paragraph (7) add—

“(8) The Secretary of State may only use his power under sub-paragraph (7) with the consent of the Education Committee of the House of Commons”.’.

Lucy Powell

265

Clause 77, page 50, line 15, at end insert—

‘(ga) investigate the effectiveness of the safety and protection of children living at any specific premises which the Children’s Commissioner is empowered to enter under section 2E.’.

Lisa Nandy

269

Clause 77, page 50, line 15, at end insert—

‘(ga) investigate reported instances of the trafficking of children, with particular regard to migrant children;

(gb) investigate matters relating to children in custody.’.

Lisa Nandy
Mrs Sharon Hodgson

293

★ Clause 77, page 50, line 27, leave out from ‘may’ to end of line 28 and insert ‘only

Children and Families Bill, *continued*

conduct an investigation of the case of an individual child where he considers it will enable him to discharge the primary function more effectively.’

Mr Steve Reed

Clause 77, page 50, line 43, after ‘function’, insert ‘and have due regard to their views.’. 270

Lucy Powell

Clause 77, page 51, line 3, at end insert—
‘(c) consult, so far as possible, all children living at any premises that the Commissioner is investigating under section 2(3)(ga).’ 266

Mr Steve Reed

Clause 77, page 51, line 8, after ‘known’, insert ‘and have due regard to their views.’. 271

Lucy Powell

Clause 77, page 51, line 20, at end add—
‘(4) For investigations under section 2(3)(ga), where a report contains recommendations, the Commissioner must require that the person towards whom those recommendations are directed implement them, or otherwise to state in writing why they are unable to do so.’ 267

Lucy Powell

Clause 79, page 51, line 40, after ‘child’, insert ‘or children’. 268

Mr Steve Reed

Clause 82, page 53, line 5, at end insert ‘and have due regard to their views.’. 272

Mr Steve Reed

Clause 83, page 53, line 32, at end insert ‘and the extent to which the Commissioner has had due regard to their views.’. 273

Children and Families Bill, *continued*

- Mr Steve Reed 274
- Clause 84, page 54, line 16, at end insert—
- ‘(5A) A child is within this subsection if he or she is detained in pursuance of—
- (a) an order made by a court, or
- (b) an order of recall made by the Secretary of State.
- (5B) A child is within this subsection if he or she has been identified by a professional as a potential victim of trafficking.
- (5C) A child is within this subsection if he or she is a separated migrant child.’.
-
- Mr Edward Timpson 263
- Schedule 5, page 169, line 11, leave out paragraph (b).
-
- Mr Edward Timpson 226
- Clause 86, page 54, line 40, leave out subsection (3).
-
- Lucy Powell 325
- ★ Clause 87, page 55, line 12, leave out paragraph (a).
- Lucy Powell 326
- ★ Clause 87, page 56, line 3, leave out paragraph (a).
- Jo Swinson 275
- Clause 87, page 57, line 15, leave out ‘made by the Secretary of State’ and insert ‘under section 75E’.
- Lisa Nandy
Mrs Sharon Hodgson 331
- ★ Clause 87, page 57, leave out lines 35 and 36 and insert—
- ‘(8) Regulations under section 75E may provide for the taking of leave under section 75E in a single period, in non-conclusive periods, or in periods shorter than the period which constitutes, for the employee, a week’s leave.’.
- Lucy Powell 327
- ★ Clause 87, page 59, line 11, leave out paragraph (a).

Children and Families Bill, *continued*

- Lucy Powell 328
- ★ Clause 87, page 59, line 46, leave out paragraph (a).
- Jo Swinson 276
- Clause 87, page 61, line 24, leave out ‘made by the Secretary of State’ and insert ‘under section 75G’.
- Lisa Nandy
Mrs Sharon Hodgson 329
- ★ Clause 87, page 64, line 17, leave out ‘may’ and insert ‘shall’.
- Lisa Nandy
Mrs Sharon Hodgson 330
- ★ Clause 87, page 64, line 21, leave out ‘may’ and insert ‘shall’.
- Jo Swinson 277
- Clause 87, page 65, line 20, leave out ‘75F(3) or (16)’ and insert ‘75F(16)’.
- Jo Swinson 278
- Clause 87, page 65, line 20, leave out ‘75H(3), (16)’ and insert ‘75H(16)’.
-
- Lucy Powell 332
- ★ Clause 88, page 65, line 23, at end insert—
 ‘(aa) in subsection (2) at the end there is inserted “for each child born as a result of the pregnancy in addition to her entitlement to additional maternity leave under section 73;”’.
-
- Lucy Powell 297
- ★ Clause 91, page 83, line 44, at end insert—
 (d) becoming a special guardian under section 14A of the Children Act 1989,
 (e) becoming a family and friends (kinship) carer in prescribed circumstances.
- (1B) In section 75B of the Employment Rights Act 1996 (additional adoption leave), after subsection (1) there is inserted—
 “(1A) The conditions that may be prescribed under subsection (1) include conditions as to—
 (a) becoming a special guardian under section 14A of the Children Act 1989,

Children and Families Bill, *continued*

- (b) becoming a family and friends carer in prescribed circumstances.”’.

Lucy Powell

298

- ★ Clause 91, page 84, line 14, at end insert ‘for whom a special guardian has been appointed under section 14A of the Children Act 1989; placed in a family and friends (kinship) care arrangement in prescribed circumstances.’.

Lucy Powell

299

- ★ Clause 91, page 84, line 20, at end insert or to being placed with a special guardian under section 14A of the Children Act 1989 or to being placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

Lucy Powell

300

- ★ Clause 91, page 84, line 22, leave out ‘with such a person’ and insert ‘or section 14A with such a person or to placement with a family and friends (kinship) carer in prescribed circumstances;’.

Lucy Powell

301

- ★ Clause 91, page 84, line 30, after ‘adopter’, insert ‘or placed with a special guardian under section 14A of the Children Act 1989 or placed in a family and friends (kinship) care arrangement in prescribed circumstances’.

Lucy Powell

302

- ★ Clause 91, page 84, line 34, at end insert ‘or to being placed with a special guardian under section 14A or to being placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

Lucy Powell

303

- ★ Clause 91, page 84, line 40, at end insert ‘or the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

Lucy Powell

304

- ★ Clause 91, page 84, line 42, at end insert ‘or section 14A or to placement with a family and friends carer in prescribed circumstances’.

Lucy Powell

305

- ★ Clause 91, page 84, line 44, at end insert ‘or “special guardian” or “family and friends (kinship) carer in prescribed circumstances”’.

Lucy Powell

306

- ★ Clause 91, page 84, line 47, after ‘section’ insert ‘14A or’.

Children and Families Bill, *continued*

Lucy Powell

307

- ★ Clause 91, page 84, line 47, after '1989', insert 'or placement with a family and friends carer in prescribed circumstances'.

Lucy Powell

308

- ★ Clause 91, page 85, line 6, after 'section', insert '14A or'.

Lucy Powell

309

- ★ Clause 91, page 85, line 7, at end insert 'or placement with a family and friends (kinship) carer in prescribed circumstances;'.

Lucy Powell

310

- ★ Clause 91, page 85, line 9, leave out '22C' and insert '14A or 22C or to being placed with a family and friends carer (kinship) in prescribed circumstances'.

Lucy Powell

311

- ★ Clause 91, page 85, line 15, after 'adopter' insert 'or placed with a special guardian under section 14A of the Children Act 1989 or placed in a family and friends (kinship) care arrangement in prescribed circumstances'.

Lucy Powell

312

- ★ Clause 91, page 85, line 19, at end insert 'or to being placed with a special guardian under section 14A or to being placed in a family and friends (kinship) care arrangement in prescribed circumstances;'.

Lucy Powell

313

- ★ Clause 91, page 85, line 24, at end insert 'or, the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends (kinship) care arrangement in prescribed circumstances;'.

Lucy Powell

314

- ★ Clause 91, page 85, line 26, leave out '22C' and insert '14A or 22C or placement with a family and friends (kinship) carer in prescribed circumstances;'.

Lucy Powell

315

- ★ Clause 91, page 85, line 29, leave out '22C' and insert '14A or 22C or placement with a family and friends (kinship) carer in prescribed circumstances;'.

Lucy Powell

316

- ★ Clause 91, page 85, line 32, after 'section', insert 'or 14A'.

Children and Families Bill, *continued*

Lucy Powell

317

- ★ Clause 91, page 85, line 32, after ‘1989’, insert ‘or placement with a family and friends (kinship) carer in prescribed circumstances’.

Lucy Powell

318

- ★ Clause 91, page 85, line 43, at end insert ‘or the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends (kinship) care arrangement in prescribed circumstances.’.

 Jo Swinson

280

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

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)”’.

Children and Families Bill, continued

- (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 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.

Children and Families Bill, continued

- (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;
- “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—
- (e) throughout which the member is absent from work in circumstances where sub-paragraph (5), (6), (7), (8), (9) or (10) applies, and
 - (f) 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—

Children and Families Bill, *continued*

- (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
 - (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—

Children and Families Bill, *continued*

- (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.”’.
-

Lisa Nandy
Sharon Hodgson

- ★ Clause 97, page 89, leave out lines 29 to 31.

323

Lisa Nandy
Sharon Hodgson

- ★ Clause 97, page 89, leave out lines 29 to 33.

319

Lisa Nandy
Sharon Hodgson

- ★ Clause 97, page 89, line 26, after ‘take’, insert ‘reasonable’.

321

Lisa Nandy
Sharon Hodgson

- ★ Clause 97, page 92, line 21, after ‘take’, insert ‘reasonable’.

322

Lisa Nandy
Sharon Hodgson

- ★ Clause 97, page 92, leave out lines 25 to 29.

320

Lisa Nandy
Sharon Hodgson

- ★ Clause 97, page 92, leave out lines 25 to 27 and insert—

- (2) In relation to a singleton pregnancy, an employee is not entitled to take time off for the purpose specified in subsection (1) on more than two occasions and in relation to a multiple pregnancy, an employee is not entitled to take time off for the purpose specified in subsection (1) on more than six occasions.’.

324

 Children and Families Bill, *continued*

Lucy Powell

333

- ★ Clause 101, page 108, line 41, at end insert—
 ‘(ca) subsection(8) is repealed.’.
-

Lisa Nandy
 Mrs Sharon Hodgson

336

- ★ Page 109, line 1, leave out Clause 102.

Lisa Nandy
 Mrs Sharon Hodgson

334

- ★ Clause 102, page 109, line 10, leave out ‘If an employer allows an employee to appeal’ and insert ‘where an employee appeals’.

Lisa Nandy
 Mrs Sharon Hodgson

335

- ★ Clause 102, page 109, line 34, leave out ‘where the employer allow the employee to appeal’ and insert ‘where an employee appeals’.
-

Lisa Nandy
 Mrs Sharon Hodgson

337

- ★ Clause 103, page 110, line 10, at end insert ‘or
 (d) that the grounds for the employer’s refusal under 80G(1)(b) was not applicable.’.
-

NEW CLAUSES

Amendments to the Health Act 2006

Alex Cunningham
 Bill Esterson
 Mr Steve Reed
 Pat Glass

NC1

To move the following Clause:—

- ‘(1) The Health Act 2006 is amended as follows.
 (2) After section 8, insert—

*Children and Families Bill, continued***“8A Offence of failing to prevent smoking in a private vehicle when children are present**

- (1) It is the duty of any person who drives a private vehicle to ensure that that vehicle is smoke-free whenever a child or children under the age of 18 are in such vehicle or part of such vehicle.
 - (2) A person who fails to comply with the duty in subsection (1) commits an offence.
 - (3) A person convicted of an offence under this section who has not previously been convicted of such an offence shall have the option of attending a smoke-free driving awareness course in place of paying a fine under subsection (4).
 - (4) A person who does not wish to attend an awareness course or who has previously been convicted of an offence under this section is liable on summary conviction to a fine of £60.
 - (5) The Secretary of State may introduce regulations to alter the level of penalty payable under subsection (4).
 - (6) The Secretary of State shall update all relevant regulations regarding the offence created under subsection (2) within six months of this section coming into force.
 - (7) The Secretary of State shall introduce regulations within six months of this section coming into force to prescribe the format of the awareness course in subsection (3).”
- (3) In section 79(4)(a), leave out “or 8(7)” and insert “, 8(7), or 8A(5).”.

Information sharing

Bill Esterson
Ann Coffey

NC2

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 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
Ann Coffey

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.”’.
-

Children and Families Bill, *continued*

Long-term post-adoption and fostering support

Bill Esterson
Ann Coffey

NC5

To move the following Clause:—

‘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
Ann Coffey

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.’.

Children and Families Bill, *continued**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—
 - (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—

Children and Families Bill, *continued*

- (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.’.

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

Children and Families Bill, *continued*
special guardians and foster parents

Lisa Nandy
Mrs Sharon Hodgson
Bill Esterson

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.’

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;
- (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.”’.

Provision of health services for children looked after by local authorities

Annette Brooke

NC12

To move the following Clause:—

‘(1) Following a medical assessment at the time of a child being taken into care, the clinical commissioning group has a duty to health services, where appropriate.

Children and Families Bill, *continued*

- (2) Health services includes, but is not limited to, therapeutic counselling and other mental health services.’.

Welfare of the child - quality of parental relationship

Lisa Nandy
Mrs Sharon Hodgson

NC13

To move the following Clause:—

‘Section 1 of the Children Act 1989 (welfare of the child) is amended by the addition at the end of subsection (3) of the following paragraph:

“(h) the quality of the relationship that the child has with each of his parents, both currently and in the foreseeable future.”.’.

Arrangements for the provision of evidence by staff of a local authority or of an authorised applicant in children proceedings

Lisa Nandy
Mrs Sharon Hodgson

NC14

To move the following Clause:—

- ‘(1) The Secretary of State must make arrangements to support a person who is instructed to provide evidence for use in children proceedings if they are a member of the staff of a local authority or of an authorised applicant under section 13(8)(a)(i).
- (2) The arrangements described in subsection (1) may include—
- (a) training prior to the proceedings,
 - (b) coaching whilst at court,
 - (c) designated facilities at court to enable preparation for the proceedings, and
 - (d) any other arrangements the Secretary of State believes will enable members of the staff of a local authority or of an authorised applicant to provide evidence in the proceedings.’.

Duty to secure social care provision in accordance with EHC Plan

Mr Robert Buckland

NC16

To move the following Clause:—

Children and Families Bill, *continued*

- ‘() A local authority that maintains an EHC plan for a child or young person must secure the social care provision identified through an assessment under section 17 of the Children Act 1989 specified in the plan.’

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.’

Information sharing about live births

Mrs Sharon Hodgson
Lisa Nandy
Andrea Leadsom

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.’.

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

Mrs Sharon Hodgson
Lisa Nandy

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.
 - (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.’.
-

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

Mrs Sharon Hodgson
Lisa Nandy

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.’

Early years area SEN co-ordinators

Mrs Sharon Hodgson
Lisa Nandy

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).

Children and Families Bill, *continued*

- (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).’
-

Application of Part 3 to detained children and young people

Mrs Sharon Hodgson
Lisa Nandy

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.
- (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;

Children and Families Bill, *continued*

- (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.’.
-

Inclusion within mainstream schools and post-16 institutions

Mrs Sharon Hodgson
Lisa Nandy

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.
- (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
Lisa Nandy

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 Families Bill, continued*Children and young people temporarily unable to attend mainstream school*

Mrs Sharon Hodgson
Lisa Nandy

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 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
Lisa Nandy

NC26

To move the following Clause:—

Children and Families Bill, *continued*

‘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.’

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—
 - “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”.’

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

Children and Families Bill, *continued*

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.’

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 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.

Children and Families Bill, *continued*

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

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.”.’.
-

Registration of births within children's centres: pilot scheme

Andrea Leadsom
Mrs Sharon Hodgson
Mr Frank Field

NC32

To move the following Clause:—

- (1) The Secretary of State must, by regulations, establish a pilot scheme to trial the registration of births within children's centres.
- (2) The pilot scheme established under this section must name no less than six local authorities in which the registration of births within children's centres will be trialled.
- (3) The Secretary of State must make available funding for the pilot schemes established under this section.
- (4) Pilot schemes established under this section should—
 - (a) last not less than 12 months and not more than 24; and
 - (b) be evaluated by an independent body.
- (5) The independent body evaluating the pilot schemes in accordance with paragraph (4)(b) must present a report to the Secretary of State within three months of their conclusion, assessing the effectiveness of the pilot schemes against criteria including—
 - (a) cost effectiveness;
 - (b) the levels of engagement with children's centres by new parents;
 - (c) an analysis of the changes in relationship between the children's centres and families; and
 - (d) the change in health and developmental indicators within their catchment areas.

Children and Families Bill, continued

- (6) Regulations under this section—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (7) Before regulations under subsection (6) are laid before Parliament the Secretary of State must consult—
- (a) local authorities and directors of children’s services;
 - (b) organisations other than local authorities involved in the management of children’s centres;
 - (c) the Department for Health and health agencies, and
 - (d) any other person or organisation he may deem appropriate.
- (8) 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.’

Registration of births to take place only at children’s centres

Andrea Leadsom
Mrs Sharon Hodgson
Mr Robert Buckland

NC33

To move the following Clause:—

- ‘(1) The Births and Deaths Registration Act 1953 is amended as follows.
(2) After section 14A (re-registration after declaration of parentage) insert—

“14B Registration of births to take place only at children’s centres

Information relating to the birth of every child born in England required to be given under this Part, and any duty under this Part to sign the register of births, may be given or fulfilled only at a children’s centre, as defined in section 5A of the Childcare Act 2006 (arrangements for provision of children’s centres).’.

Report of inspections of home-based child care settings

Andrea Leadsom
Mrs Sharon Hodgson

NC34

To move the following Clause:—

- ‘In section 50 of the Childcare Act 2006 (report of inspections) in subsection (1) after paragraph (c) insert—

Children and Families Bill, continued

“(ca) how well home-based child care setting meet the attachment needs of children under two.”.

Extension of CCFW’s remit

Lisa Nandy

NC35

To move the following Clause:—

‘In section 72B of the Care Standards Act 2000, after subsection (1)(b) add—

“(c) the exercise or proposed exercise in relation to Wales of any function of a UK Government Minister.”.

Inclusive and accessible education, health and social care provision

Mr Robert Buckland

NC36

To move the following Clause:—

‘In exercising a function under Part 3 of this Act, a local authority and NHS bodies in England must promote and secure inclusive and accessible education, health and social care provision to support children, young people and their families.’.

Constraints on Children’s Commissioner

Mr Steve Reed

NC37

To move the following Clause:—

‘In Schedule 1 to the Children Act 2004, in paragraph 1 (status) after subparagraph (2) insert—

“(3) The Minister shall have due regard to the desirability of ensuring that the Children’s Commissioner is under as few constraints as reasonably possible in determining—

- (a) the Commissioner’s activities,
 - (b) the Commissioners’s timetables, and
 - (c) the Commissioner’s priorities.”.
-

Children and Families Bill, continued*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:—

- (1) This section applies to Ofsted-registered, non-domestic childcare settings.
- (2) For children aged under two—

Children and Families Bill, *continued*

- (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—
- (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

Children and Families Bill, *continued*

- (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.

Children and Families Bill, *continued*

- (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.’
-

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.

Children and Families Bill, *continued*

- (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;
 - (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;

Children and Families Bill, *continued*

- (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.
 - (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.’.
-

Children and Families Bill, *continued**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;

“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.’

Children and Families Bill, *continued*
Teachers

Mr Graham Allen
Bill Esterson

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.’
-

Remit of the Children’s Commissioner for Wales

Lisa Nandy
Mrs Sharon Hodgson

NC48

★ To move the following Clause:—

- ‘In section 72B of the Care Standards Act 2000, after subsection (1)(b), add—
- “(c) the exercise or proposed exercise in relation to Wales of any function of a UK Government Minister.”’.
-

Inclusion of children in equality impact assessments

Lisa Nandy
Mrs Sharon Hodgson

NC49

★ To move the following Clause:—

- ‘Section 149 of the Equality Act 2010 (Public sector equality duty) is amended as follows—
- “(1) In subsection (7) after “age” add “,with particular regard to children under the age of 18.”
 - (2) After subsection (9) add—
 - “(10) The public sector equality duty set out in this section as it relates to children shall apply in the formulation and implementation of

Children and Families Bill, continued

policy and in the formulation, promotion and implementation of legislation.”’.

Right to return to the same job after shared parental leave

Lisa Nandy
Mrs Sharon Hodgson

NC50

★ To move the following Clause:—

- ‘(1) An employee who returns to work after any period of—
- (a) ordinary maternity leave;
 - (b) ordinary adoption leave;
 - (c) paternity leave;
 - (d) shared parental leave of 26 weeks or less; or
 - (e) parental leave of four weeks or less, which was a period of isolated leave, or a consecutive period of any statutory leave of 26 weeks or less is entitled to return from leave to the job in which the employee was employed before the employee’s absence.
- (2) An employee who returns to work after any period of—
- (a) additional maternity leave;
 - (b) additional adoption leave;
 - (c) parental leave of more than four weeks; or
 - (d) a consecutive period of any statutory leave of more than 26 weeks
- is entitled to return from leave to the job in which the employee was employed before the employee’s absence, or, if it is not reasonably practicable for the employer to permit the employee to return to that job, to another job which is both suitable for the employee and appropriate for the employee to do in the circumstances.
- (3) The reference in subsections (1) and (2) to the job in which an employee was employed before the employee’s absence is a reference to the job in which the employee was employed—
- (a) if the employee’s return is from an isolated period of statutory leave, immediately before that period began,
 - (b) if the employee’s return is from consecutive periods of statutory leave, immediately before the first such period.’.

Extension of other statutory rights to leave and pay

Lucy Powell

NC51

★ To move the following Clause:—

- ‘(1) In section 80A of the Employment Rights Act 1996 (Entitlement to ordinary paternity leave: birth) subsection (1)(b) is repealed.

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- (2) Section 171ZA of the Social Security Contributions and Benefits Act 1992 (Entitlement: birth) subsection (2)(b) is repealed.’
-

Father quota entitlement

Lucy Powell

NC52

★ To move the following Clause:—

- ‘(1) In Part 8 of the Employment Rights Act 1996 after section 80E there is inserted—

“80F Entitlement to father quota

- (1) The Secretary of State may make regulations entitling an employee who satisfies specified conditions as to the relationship with a child or expected child or with the child’s mother to be absent from work on leave under this section for the purpose of caring for the child.
- (2) Regulations under subsection (1) shall provide that such leave shall be taken before the end of the period of 56 weeks beginning with the date of the child’s birth.
- (3) Provision under subsection (1) shall secure that where an employee is entitled to leave under this section in respect of a child he is entitled to at least four weeks’ leave.”
- (2) In the Social Security Contributions and Benefits Act 1992 after section 171ZT there is inserted—

“171ZTT father quota entitlement

- (1) Regulations shall provide that where an employee is entitled to a father quota of leave under Section 80F of the Employment Rights Act 1996, the employee is to be entitled to payments known as “father quota pay”.
- (2) Father quota pay under subsection (1) shall be at the earnings-related weekly rate of 90 per cent of the employee’s average earnings for the first six weeks in respect of which it is payable, followed by a fixed weekly rate thereafter which shall not be less than the weekly rate of the full time national minimum wage in respect of the remaining portion of the father quota pay period”.’.
-

Statutory maternity pay for multiple births

Lucy Powell

NC53

★ To move the following Clause:—

- ‘(1) The Social Security Contributions and Benefits Act 1992 is amended as follows.

Children and Families Bill, *continued*

- (2) In section 164 (Statutory Maternity Pay—entitlement and liability to pay) in subsection (9) (power to make regulations) there is inserted—
- “(b) specify circumstances in which there is a liability to make additional statutory maternity payments to a woman who has given birth to more than one child as a result of a single pregnancy.”

Extension of emergency leave entitlement to grandparents

Lisa Nandy
Mrs Sharon Hodgson

NC54

★ To move the following Clause:—

- ‘In section 57A(3) of the Employment Rights Act 1996 insert after (d)—
- “(e) a grandchild.”’.

Adjustment leave

Lisa Nandy
Mrs Sharon Hodgson

NC55

★ To move the following Clause:—

- (1) A qualifying employee who satisfies prescribed conditions may be absent from work at any time during an adjustment leave period.
- (2) An adjustment leave period is a period calculated with regulations made by the Secretary of State.
- (3) The regulations under subsection (2) shall include provision for determining the extent of an employee’s entitlement to leave under this section but shall secure that where an employee is entitled to leave under this section he is entitled to at least six weeks’ leave.
- (4) An employee who exercises his rights under subsection (1)—
- (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
 - (b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
 - (c) is entitled to return from leave to a job of a prescribed kind;
- (5) For the purposes of this section, an employee is a qualifying employee if—
- (a) he is the parent or carer of a disabled child or adult and his purpose for applying for adjustment leave is to secure a temporary period of absence to deal with a period of illness or diagnosis of disability of the cared-for child or adult; or

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- (b) he is the bereaved parent of a child under the age of 18 and his purpose in applying for adjustment leave is to secure a temporary period of absence to deal with funeral and other arrangements due to the death of his child.’

Jo Swinson

279

Clause 110, page 112, line 37, at end insert—

- ‘() Section 96(3) and (4), so far as relating to paragraphs 3, 53 to 59 and 61 of Schedule 7, extends to Northern Ireland.’

ORDER OF THE HOUSE [25 FEBRUARY 2013]

That the following provisions shall apply to the Children and Families Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 23 April 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [5 MARCH 2013]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 5 March) meet—
 - (a) at 2.00 pm on Tuesday 5 March;
 - (b) at 11.30 am and 2.00 pm on Thursday 7 March;
 - (c) at 9.25 am and 2.00 pm on Tuesday 12 March;
 - (d) at 11.30 am and 2.00 pm on Thursday 14 March;

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- (e) at 9.25 am and 2.00 pm on Tuesday 19 March;
 (f) at 11.30 am and 2.00 pm on Thursday 21 March;
 (g) at 9.25 am and 2.00 pm on Tuesday 16 April;
 (h) at 11.30 am and 2.00 pm on Thursday 18 April; and
 (i) at 9.25 am and 2.00 pm on Tuesday 23 April;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 5 March	Until no later than 10.00 am	Department for Education; Department for Business, Innovation and Skills
Tuesday 5 March	Until no later than 10.45 am	The Thomas Coram Foundation for Children (Coram); Professor Julie Selwyn, Professor of Child and Family Social Work, University of Bristol; TACT
Tuesday 5 March	Until no later than 11.25 am	David Norgrove, Chair of Family Justice Review and Chair of Family Justice Board; Lord Justice Munby, President of the Family Division; Coram Children's Legal Centre
Tuesday 5 March	Until no later than 2.45 pm	Council for Disabled Children; Every Disabled Child Matters; Special Education Consortium
Tuesday 5 March	Until no later than 3.30 pm	Achievement for All; Independent Parental Special Education Advice; Institute of Education
Tuesday 5 March	Until no later than 4.15 pm	National Association for Special Educational Needs; The Communication Trust; Association of Educational Psychologists
Tuesday 5 March	Until no later than 5.15 pm	Association of Colleges; National Association of Head Teachers; David Bartram, Assistant Head, Lampton School, Hounslow
Tuesday 5 March	Until no later than 5.45 pm	Office of the Children's Commissioner
Thursday 7 March	Until no later than 12.15 pm	Ofsted; Daycare Trust and the Family and Parenting Institute; National Childminding Association
Thursday 7 March	Until no later than 1.00 pm	Dr Roger Morgan, Children's Rights Director of England; Children England

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<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 7 March	Until no later than 2.45 pm	Working Families; Fawcett Society
Thursday 7 March	Until no later than 3.30 pm	Fatherhood Institute; Federation of Small Businesses
Thursday 7 March	Until no later than 4.15 pm	Association of Directors of Children's Services; Barnardo's

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 6; Schedule 1; Clauses 7 to 12; Schedule 2; Clauses 13 to 71; Schedule 3; Clauses 72 and 73; Schedule 4; Clauses 74 to 85; Schedule 5; Clause 86; Schedule 6; Clauses 87 to 96; Schedule 7; Clauses 97 to 104; new Clauses; new Schedules; Clauses 105 to 110; and remaining proceedings on the Bill; and
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 23 April.

NOTICES WITHDRAWN

The following Notices were withdrawn on 26 March:

Amendment 240.

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.

The following Notices were withdrawn on 12 April:

Amendments 287, 288, 289, 290, 291.
