



House of Commons

Thursday 21 March 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].

Mrs Sharon Hodgson
Lisa Nandy

Clause 27, page 20, line 38, after first 'provision', insert ', health care provision'. 78

Mr Robert Buckland

Clause 27, page 20, line 40, after 'needs', insert 'and disabled children and young people.'. 48

Mrs Sharon Hodgson
Lisa Nandy

Clause 27, page 20, line 41, after first 'provision', insert ', health care provision'. 79

Mr Robert Buckland

Clause 27, page 20, line 43, after 'needs', insert 'and disabled children and young people.'. 49

Mrs Sharon Hodgson
Lisa Nandy

Clause 27, page 20, line 43, at end insert 'including provision in institutions approved by the Secretary of State by virtue of section 41 of this Part.'. 80

Children and Families Bill, *continued*

Mr Robert Buckland

50

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

- ‘(2A) If the education and care provision referred to in subsection (1)(a) and (b) is deemed insufficient to meet the needs of children and young people under subsection (2), a local authority must—
- (a) publish these findings; and
 - (b) improve that provision until it is deemed by those consulted in subsection (3) to be sufficient to meet all the needs identified under section (22).’

Mrs Sharon Hodgson

Lisa Nandy

81

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

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

Mr Robert Buckland

193

Clause 27, page 21, line 18, at end insert—

- ‘(a) the governing bodies, proprietors or principals of institutions approved by the Secretary of State under section 41 (independent special schools and special post-16 institutions: approval).’

Mrs Sharon Hodgson

Lisa Nandy

82

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

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

Mrs Sharon Hodgson

Lisa Nandy

83

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

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

Annette Brooke

200

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

Children and Families Bill, *continued*

Mr Edward Timpson

60

Clause 28, page 22, line 21, leave out from ‘which’ to end of line 22 and insert ‘is under a duty under section 3 of the National Health Service Act 2006 to arrange for the provision of services or facilities for any children and young people for whom the authority is responsible.’.

Mrs Sharon Hodgson
Lisa Nandy**84**

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

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

Mr Robert Buckland

34

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

- ‘(2A) The Local Government Ombudsman has jurisdiction for the purposes of this Part over the partners set out in subsections (2)(a) to (2)(i).
- (2B) The NHS Ombudsman has jurisdiction for the purposes of this Part over the partners set out in subsections (2)(j) to (2)(m).’.

Mr Edward Timpson

61

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

- ‘(4) Regulations may prescribe circumstances in which a clinical commissioning group that would otherwise be a local partner of a local authority by virtue of subsection (2)(k)(ii) is to be treated as not being a local partner of the authority.’.

Mr Robert Buckland

188

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

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

Mrs Sharon Hodgson
Lisa Nandy**85**

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

Children and Families Bill, *continued*

Annette Brooke

201

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

Mrs Sharon Hodgson

Lisa Nandy

86

Clause 29, page 23, line 1, at end insert—
 (g) non-maintained special schools;
 (h) institutions approved by the Secretary of State under section 41;
 (i) Ofsted-registered early years settings other than maintained nursery schools.’.

Mrs Sharon Hodgson

Lisa Nandy

87

Clause 30, page 23, line 17, leave out ‘it expects to be’ and insert ‘which is’.

Mrs Sharon Hodgson

Lisa Nandy

89

Clause 30, page 23, line 19, after ‘needs’, insert ‘and their families’.

Mrs Sharon Hodgson

Lisa Nandy

88

Clause 30, page 23, line 20, leave out ‘it expects to be’ and insert ‘which is’.

Mrs Sharon Hodgson

Lisa Nandy

90

Clause 30, page 23, line 22, at end insert ‘and their families’.

Mrs Sharon Hodgson

Lisa Nandy

94

Clause 30, page 23, line 25, at end insert ‘including provision in institutions approved by the Secretary of State by virtue of section 41 of this Part.’.

Mr Robert Buckland

194

Clause 30, page 23, line 25, at end insert ‘including institutions approved by the Secretary of State under section 41’.

Mrs Sharon Hodgson

Lisa Nandy

91

Clause 30, page 23, line 29, after ‘young people’, insert ‘and their families’.

Children and Families Bill, *continued*

- Mrs Sharon Hodgson
Lisa Nandy
- 97**
- Clause 30, page 23, line 30, at end insert—
‘(f) services providing advice and support to the wider family of children and young people with special educational needs.’
- Mr Robert Buckland
- 51**
- Clause 30, page 23, line 33, after ‘employment’, insert ‘, retaining employment and accessing benefits’.
- Mrs Sharon Hodgson
Lisa Nandy
- 95**
- Clause 30, page 23, line 35, at end insert ‘, including in online communities.’.
- Mrs Sharon Hodgson
Lisa Nandy
- 98**
- Clause 30, page 23, line 39, at end insert—
‘(5A) Any revision to a local offer made by virtue of subsection (5) must be communicated clearly to children and young people with special educational needs and their families with whom the authority has had prior contact, as well as described in an addendum to the revised document.’
- Mrs Sharon Hodgson
Lisa Nandy
- 99**
- Clause 30, page 23, line 39, at end insert—
‘(5B) In exercising its duty under subsection (5), the local authority must have regard to any review carried out under section 27.’.
- Mrs Sharon Hodgson
Lisa Nandy
- 92**
- Clause 30, page 23, line 43, leave out ‘parents’ and insert ‘families’.
- Mr Robert Buckland
- 52**
- Clause 30, page 24, line 2, at end insert—
‘(7A) Regulations must make provision about a national framework, including—
(a) the principles underpinning the local offer;
(b) how services in the local offer are to be reviewed;
(c) the scope of what should be covered by the local offer;
(d) the format in which a local offer will be prepared and published; and
(e) how services can be held to account for failing to deliver what is set out in the local offer.’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

100

Clause 30, page 24, line 2, at end insert—

(7A) The Secretary of State shall lay a draft of regulations setting out the minimum level of specific special educational provision, health care provision and social care provision that local authorities must provide as part of their local offer, and the regulations are not to be made unless they have been approved by a resolution of each House of Parliament.

(7B) Once regulations under subsection (6A) have been made, the Secretary of State must—

- (a) issue guidance to local authorities on how to meet these regulations, and
- (b) publish information on these regulations accessible to the families of children and young people with special educational needs on the Department's website, and in any other way he sees fit.'

Mrs Sharon Hodgson
Lisa Nandy

101

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

Mrs Sharon Hodgson
Lisa Nandy

93

Clause 30, page 24, line 9, leave out 'parents' and insert 'families'.

Mr Robert Buckland

196

Clause 30, page 24, line 13, at end insert—

(f) the arrangements to support all teaching staff to help children with special educational needs.'

Mrs Sharon Hodgson
Lisa Nandy

96

Clause 30, page 24, line 20, at end insert—

(ca) information on the steps the local authority is taking to improve general provision for and inclusion of children and young people in mainstream institutions;'

Mr Robert Buckland

185

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

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

Children and Families Bill, *continued*

Mr Robert Buckland

215

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

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

Mrs Sharon Hodgson
Lisa Nandy

102

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

- ‘(3A) Where a specified body does not comply with a request made under subsection (1), and the requesting local authority is not satisfied with the reasons given under subsections (2) and (3), the requesting local authority may make a request to the Secretary of State for Health to investigate.
- (3B) Regulations may provide for the timescales within which the Secretary of State for Health should assess and complete investigations requested under subsection (3A), as well as powers to be granted to the Secretary of State for Health to enable him to uphold any such complaints.’
-

Mrs Sharon Hodgson
Lisa Nandy

103

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

Mr Robert Buckland

36

Clause 32, page 25, line 1, after ‘information’, insert ‘in an appropriately accessible form’.

Mrs Sharon Hodgson
Lisa Nandy

105

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

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

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

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

104

Mrs Sharon Hodgson
Lisa Nandy

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

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

106

Annette Brooke

Clause 33, page 25, line 18, leave out 'maintained' and insert 'mainstream'

197

Mrs Sharon Hodgson
Lisa Nandy

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

(b) meeting the specific needs of the child or young person'.

107

Mrs Sharon Hodgson
Lisa Nandy

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

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

108

Mrs Sharon Hodgson
Lisa Nandy

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

- (a) the local authority which is responsible for him or her;
- (b) the head teacher of the school or the principal of the Academy or post-16 institution;
- (c) the child's parent or the young person;

109

Children and Families Bill, *continued*

- (d) anyone else whose advice is required to be obtained in connection with the assessment by virtue of regulations under section 36(11).’.
-

Annette Brooke

203

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

Mrs Sharon Hodgson
Lisa Nandy

112

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

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

Mr Robert Buckland

212

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

Mrs Sharon Hodgson
Lisa Nandy

113

Clause 36, page 27, line 18, at end insert—

‘(1A) On receiving a request for an assessment under subsection (1), the local authority must endeavour to respond to that request within six weeks of having received it.’.

Mrs Sharon Hodgson
Lisa Nandy

114

Clause 36, page 27, line 27, at end insert—

‘(4A) In making a determination under subsection (3), the local authority must have regard to the competencies and needs of the child or young person’s parents and immediate family, where this is relevant to the child or young person’s well-being.’.

Mrs Sharon Hodgson
Lisa Nandy

117

Clause 36, page 27, line 33, at end insert—

‘(c) of their right to request an internal review or appeal against this decision under section 50.’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

115

Clause 36, page 27, line 41, leave out ‘parent’ and insert ‘family, including the child themselves where appropriate.’.

Mrs Sharon Hodgson
Lisa Nandy

116

Clause 36, page 27, line 44, after ‘parent’, insert ‘, child’.

Mr Robert Buckland

41

Clause 36, page 28, line 9, at end insert—
‘(c) the child or young person may be a disabled child under section 17 of the Children Act 1989 or section 28 of the Chronically Sick and Disabled Person’s Act 1970.’.

Mr Robert Buckland

42

Clause 36, page 28, line 9, at end insert—
‘(c) they are a disabled child or young person under section 6 of the Equality Act 2010 who may need healthcare provision in order to manage their impairment.’.

Mr Robert Buckland

211

Clause 36, page 28, line 9, at end insert—
‘(8A) An EHC needs assessment, as set out in section 8, must be secured within 29 days of the notification.’.

Mrs Sharon Hodgson
Lisa Nandy

118

Clause 36, page 28, line 15, at end insert—
‘(d) their right to request an internal review or appeal against this decision under section 50.’.

Mr Robert Buckland

37

Clause 36, page 28, line 16, leave out subsection (10).

Mr Robert Buckland

218

Clause 36, page 28, line 16, leave out subsection (10) and insert—
‘(10) In forming an opinion for the purposes of this section in relation to a young person aged over 18, a local authority must have regard to the young person’s right to the continuation of an EHC Plan up to the age of 25 and access education provision in an age-appropriate setting.’.

Children and Families Bill, *continued*

- Mrs Sharon Hodgson
Lisa Nandy **119**
- Clause 36, page 28, line 17, at end insert ‘and previous educational outcomes.’
- Mr Robert Buckland **43**
- Clause 36, page 28, line 28, after ‘assessments’, insert ‘including—
- (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.’.
- 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.’.

Children and Families Bill, *continued*

- 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.’.
- Mrs Sharon Hodgson
Lisa Nandy
- 126**
- Clause 37, page 29, line 7, leave out ‘may’ and insert ‘must.’.
- Mrs Sharon Hodgson
Lisa Nandy
- 127**
- Clause 37, page 29, line 7, after ‘the’, insert ‘format’.
-
- 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.’.
- Caroline Nokes
- 224**
- ☆ Clause 38, page 29, line 27, at end insert—
 ‘(g) a voluntary training provider;
 (h) a private training provider.’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Clause 38, page 29, line 28, after 'period', insert 'of not less than two weeks'. **128**

Mrs Sharon Hodgson
Lisa Nandy

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.'. **129**

Mr Robert Buckland

Clause 39, page 30, line 10, at end insert— **205**
'(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

Clause 39, page 30, line 11, after 'must', insert ', subject to agreement of the child or young person concerned and their parents.'. **130**

Mrs Sharon Hodgson
Lisa Nandy

Clause 40, page 30, line 38, at end insert— **131**
'(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.'.

Children and Families Bill, *continued*

- Mr Robert Buckland 190
- Clause 41, page 31, line 10, at end insert ‘and listed in a local offer.’.
- Mr Robert Buckland 191
- Clause 41, page 31, line 22, at end insert—
- ‘(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.’.
- Mrs Sharon Hodgson
Lisa Nandy 132
- Clause 41, page 31, line 23, at end insert—
- ‘(4A) The Secretary of State must maintain a current list of institutions approved under this section on the Departmental website, including information on the institution and the nature of special educational provision, health care provision and social care provision available.’.
- Mrs Sharon Hodgson
Lisa Nandy 133
- Clause 41, page 31, line 23, at end insert—
- ‘(4B) The Secretary of State must issue notice to local authorities of the designation of an institution under this section within two weeks of said designation, including information on the institution and the nature of special educational provision, health care provision and social care provision available.’.
- Mrs Sharon Hodgson
Lisa Nandy 134
- Clause 41, page 31, leave out lines 32 and 33 at end insert—
- ‘(d) further specifying information to be provided to the public and local authorities by the Secretary of State in exercising his duties under subsections (4A) and (4B).’.
- Mr Robert Buckland 192
- 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.’.
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Children and Families Bill, *continued*

- Mr Edward Timpson 63
- Clause 42, page 31, line 34, at end insert—
 ‘(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.’.
- Mrs Sharon Hodgson
 Lisa Nandy 136
- Clause 42, page 31, line 38, at end add—
 ‘(3) Where an EHC plan details health care provision—
 (a) the relevant health body must provide that provision;
 (b) the local authority must ensure that the relevant health body is providing that provision.’.
-
- Mr Robert Buckland 45
- Clause 44, page 32, line 18, after ‘maintains’, insert ‘, or has ever maintained,’.

Children and Families Bill, *continued*

- 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.’
- Mrs Sharon Hodgson
 Lisa Nandy 137
- Clause 44, page 32, line 29, at end insert ‘and prior educational outcomes’.
- Mrs Sharon Hodgson
 Lisa Nandy 138
- Clause 44, page 32, line 31, after ‘child’, insert ‘, the child themselves where appropriate.’
- Mr Robert Buckland 186
- Clause 44, page 32, line 36, at end insert—
 ‘(b) about circumstances in which a local authority must or may review an EHC plan as a result of responsibility for all or part of a child or young person’s EHC plan being transferred between teams in a local authority.’
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- Mr Robert Buckland 46
- 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’.
- Mrs Sharon Hodgson
 Lisa Nandy 139
- Clause 45, page 33, line 12, leave out ‘special educational’.
- Mrs Sharon Hodgson
 Lisa Nandy 140
- Clause 45, page 33, line 15, leave out ‘special educational’.
- Mrs Sharon Hodgson
 Lisa Nandy 141
- Clause 45, page 33, line 16, after ‘educational’, insert ‘or other’.

Children and Families Bill, *continued*

Mr Robert Buckland

38

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

‘(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

210

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

‘(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

142

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

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.’.
-

Children and Families Bill, *continued*

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, 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.’

Children and Families Bill, *continued*

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.
- (7B) The First-tier Tribunal must have regard to documents supplied under subsection (7A) in consideration of a claim brought to it under section 50 (appeals).’

Mrs Sharon Hodgson

Lisa Nandy

147

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

“parent” means any responsible family member.’

Mrs Sharon Hodgson

Lisa Nandy

148

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

Mrs Sharon Hodgson

Lisa Nandy

149

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

Mrs Sharon Hodgson

Lisa Nandy

151

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

- ‘(5A) The Secretary of State may provide guidance to local authorities on how to discharge their duties under this section, including—

Children and Families Bill, *continued*

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

Mrs Sharon Hodgson
Lisa Nandy

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

150

Mrs Sharon Hodgson
Lisa Nandy

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

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

152

Mrs Sharon Hodgson
Lisa Nandy

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

154

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

153

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

Mrs Sharon Hodgson
Lisa Nandy

155

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

Mrs Sharon Hodgson
Lisa Nandy

156

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

Mrs Sharon Hodgson
Lisa Nandy

157

Clause 58, page 40, line 38, after ‘institution’, insert ‘, institution approved under section 41’.

Mrs Sharon Hodgson
Lisa Nandy

158

Clause 58, page 41, line 8, after ‘institution’, insert ‘, institution approved under section 41’.

Mr Edward Timpson

222

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

Mrs Sharon Hodgson
Lisa Nandy

159

Clause 59, page 42, line 4, at end add—

‘(6) Agreements made under this section should be published by the local authority in digital format within one calendar month of being made.’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

160

Clause 60, page 42, line 12, leave out subsection (3).

Mrs Sharon Hodgson
Lisa Nandy

161

Clause 60, page 42, line 13, at end add—

- ‘(4) A local authority should contact the governing body of a school, post-16 institution or other institution at which education or training is provided before accessing their premises, unless doing so would negate the purpose of the visit.’

Mrs Sharon Hodgson
Lisa Nandy

162

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

- ‘(2A) In fulfilling its duties under this section, the appropriate authority must provide a report of how it has done so for a registered pupil or a student at a school, where such a report is requested by—
- (a) the local authority responsible for the education of a child or young person;
 - (b) the family of a child or young person;
 - (c) the young person;
 - (d) the First Tier Tribunal; or
 - (e) the Education Funding Agency.’

Mrs Sharon Hodgson
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.’
-

Children and Families Bill, *continued*

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.’.

Mrs Sharon Hodgson
Lisa Nandy

166

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

Mrs Sharon Hodgson
Lisa Nandy

167

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

Mrs Sharon Hodgson
Lisa Nandy

168

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.’.

Mrs Sharon Hodgson
Lisa Nandy

169

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

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

170

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

Mrs Sharon Hodgson
Lisa Nandy

171

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

Annette Brooke

202

Clause 64, page 44, line 3, at end insert—
‘(v) progress made by children and young people with special educational needs in language, literacy, communication and numeracy;
(vi) services contributed to or procured through section 30 [Local offer for children and young people with special educational needs].’

Mrs Sharon Hodgson
Lisa Nandy

175

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

Mrs Sharon Hodgson
Lisa Nandy

172

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

Mrs Sharon Hodgson
Lisa Nandy

174

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

Mrs Sharon Hodgson
Lisa Nandy

173

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

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

176

Clause 65, page 44, line 39, at end insert—

‘(4A) In exercising his duties under subsection (4), the Secretary of State shall—

- (a) invite comment on the content and format of published information;
- (b) publish the comments received and any subsequent responses, in the form of a report; and
- (c) provide an explanation of any year on year differences in the content and format of the published information in an accompanying document.’

Mrs Sharon Hodgson
Lisa Nandy

177

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

Mr Robert Buckland

207

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

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

Mrs Sharon Hodgson
Lisa Nandy

178

Clause 67, page 45, line 40, at end insert ‘and Explanatory Notes to the draft of the code.’

Mrs Sharon Hodgson
Lisa Nandy

179

Clause 67, page 45, line 40, at end insert—

‘(1A) Where the Secretary of State proposes to revise the code, the explanatory notes referred to in subsection (1) must include an explanation of the proposed revisions and the reasons for those revisions.’

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’.

Children and Families Bill, *continued*

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.’

Mrs Sharon Hodgson
Lisa Nandy

182

Clause 67, page 46, line 6, leave out subsections (4) to (8) and insert—

- ‘(4) The code (or revised code) may be issued only in the form of a draft code which has been approved by resolution of each House of Parliament.’

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*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.”

*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—

“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).”.
-

Children and Families Bill, *continued*
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.’

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.”’.

Children and Families Bill, continued*Continuity in the arrangements for the people with whom a child is to live*

Bill Esterson

NC4

To move the following Clause:—

‘(1) In section 1 of the Children Act 1989, insert the following after subsection (2A)—

‘(2B) In any family proceedings, unless the contrary is shown, a court is to presume that continuity in the arrangements relating to the person or people with whom a child is to live will further the child’s welfare.’.

(2) In section 22 of the Children Act 1989, insert the following after subsection (3)—

‘(3ZA) A local authority is to presume, unless the contrary is shown, that continuity in the arrangements relating to the person or people with whom a child looked after by that local authority is to live will help to fulfil its duty under subsection (3)(a) to safeguard and promote the welfare of that child.’.

*Long-term post-adoption and fostering support*Bill Esterson
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

Children and Families Bill, continued

- (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.’

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;

Children and Families Bill, *continued*

- (d) for payments (“direct payments”) representing all or part of a personal budget to be made to the recipient, or (in prescribed circumstances) a person of a prescribed description, in order to secure any special guardianship support services to which the budget relates;
 - (e) about the description of special guardianship support services to which personal budgets and direct payments may (and may not) relate;
 - (f) for a personal budget or direct payment to cover the agreed cost of the special guardianship support services to which the budget or payment relates;
 - (g) about when, how, to whom and on what conditions direct payments may (and may not) be made;
 - (h) about when direct payments may be required to be repaid and the recovery of unpaid sums;
 - (i) about conditions with which a person or body making direct payments must comply before, after or at the time of making a direct payment;
 - (j) about arrangements for providing information, advice or support in connection with personal budgets and direct payments.
- (5) If the regulations include provision authorising direct payments, they must—
- (a) require the consent of the recipient, or (in prescribed circumstances) a person of a prescribed description, to be obtained before direct payments are made;
 - (b) require the authority to stop making direct payments where the required consent is withdrawn.
- (6) Any special guardianship support services secured by means of direct payments made by a local authority are to be treated as special guardianship support services provided by the authority for all purposes, subject to any prescribed conditions or exceptions.
- (7) In this section “prescribed” means prescribed by regulations.’.

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,

Children and Families Bill, *continued*

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

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

Lisa Nandy
Mrs Sharon Hodgson
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

Children and Families Bill, *continued*

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.
- (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

Children and Families Bill, *continued*

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:—

- ‘() 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

Children and Families Bill, continued

- (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

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;
 - (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.

Children and Families Bill, *continued*

- (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.’.
-

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.’.
-

Children and Families Bill, *continued**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).
 - (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

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advantageous to continue to deliver any parts of the child or young person's EHC plan during his or her detention.

- (4) In the course of their considerations under subsections (2) and (3), the responsible local authority must consult—
- (a) the child or young person concerned, and their family;
 - (b) the institution in which the child or young person will be detained;
 - (c) any organisations delivering education or training within or on behalf of the institution in which the child or young person will be detained, and;
 - (d) any professionals or agencies other than the local authority which currently provide services under the terms of the child or young person's EHC plan.
- (5) In the course of their considerations under subsections (2) and (3), the responsible local authority must have regard to—
- (a) the nature of the crime for which the child or young person has been detained;
 - (b) the age of the child or young person;
 - (c) the previous educational outcomes of the child or young person;
 - (d) the views of those consulted by virtue of subsection (4), and;
 - (e) the level and appropriateness of education or training delivered within or on behalf of the institution in which the child or young person will be detained.'

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.'

Children and Families Bill, *continued**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 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

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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:—

‘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.’.

Children and Families Bill, continued*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”.’.
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Maintaining a register of sight impaired and severely sight impaired children and young people

Annette Brooke

NC29

To move the following Clause:—

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

*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).

Children and Families Bill, *continued*

- (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.
 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.”.’.
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Children and Families Bill, continued

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;
 - (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

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<i>Date</i>	<i>Time</i>	<i>Witness</i>
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
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

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- 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 19 March:

Amendments 110 and 111
