



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 25 April 2013

CONSIDERATION OF BILL

CHILDREN AND FAMILIES BILL, AS AMENDED

Access to therapeutic support

Annette Brooke

NC1

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

NC2

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).

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- (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”.’.

Tim Loughton [R]

Page 2, line 21 [*Clause 3*], at beginning add ‘After a period of three years from the introduction of adoption scorecards’.

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Tim Loughton [R]

Page 2, line 24 [*Clause 3*], at end insert—

- ‘(1A) The Secretary of State may require local authorities to make arrangements with adoption agencies to compensate them for the cost of recruiting approved prospective adopters.’.

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Tim Loughton [R]

Page 2, line 34 [*Clause 3*], leave out paragraph (c).

3

Regulation of child performance

Tim Loughton

NC3

To move the following Clause:—

- ‘(1) In section 37 of the Children and Young Persons Act 1963 (Restriction on persons under 16 taking part in public performances, etc.) the words “under the compulsory school leaving age” shall be inserted after the word “child” in subsection (1).
- (2) After subsection (2) there shall be inserted—
- “(2A) In this section, “Performance” means the planned participation by a child aged under the compulsory school leaving age in a public entertainment production, unless that participation—
- (a) involves risks that are no greater than the risks faced by that child in the ordinary course of his life and does not require the child to be absent from school or requires an absence from school of not more than four days in a six month period and such absence is authorised by the school;
- (b) involves the child doing that which he would do in any event in the ordinary course of his life; or
- (c) involves the creation of audio-visual content where there is an overriding public interest in the child’s participation.”.
- (3) Subsection (3)(a) of that section shall be repealed.
- (4) After subsection (5) of that section there shall be inserted—
- “(5A) Regulations under this section shall provide for the local authority to give reasons for any refusal of a licence under this section and shall specify any mitigating action which would be required to allow a licence to be issued.

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- (5B) A refusal of a local authority to grant a licence may be reversed on appeal.”.
- (5) Subsection (6) of that section shall be repealed.
- (6) After subsection (7) the following shall be inserted—
- “(7A) A licence granted by a local authority shall be transferrable to another local authority if the child moves residence from one local authority area to another.”.
- (7) Section 38 of the Act (Restriction on licences for performances by children under 14) shall be repealed.
- (8) After section 39 of the Act, there shall be inserted—

“39A Presumption that a licence should be issued

- (1) There shall be a presumption that a licence shall be issued unless there is identifiable potential harm that cannot be mitigated by any other action.
- (2) For the purposes of this section—
- (a) “identifiable potential harm” shall be any outcome that acts adversely against the wellbeing of the child;
- (b) “mitigated” shall mean such reasonable action that secures the safety of the child from the impact on their wellbeing; and
- (c) “wellbeing” includes the physical, mental and emotional condition and interests of the child.

39B Guidance

- (1) The Secretary of State shall issue guidance to local authorities on the criteria for issuing licences and the conditions which shall apply to them; and this guidance may make different provision for children falling within different age bands applicable to their development age.
- (2) Guidance shall include a requirement for the local authority’s decision to be based on an assessment of the risks involved in the child’s participation in the performance.
- (3) Guidance shall include the safeguarding arrangements which shall be made in regard to participation in sporting activities; and in drawing up this guidance the Secretary of State shall consult sports governing bodies.
- (4) Guidance shall require the local authority, in considering the terms on which a licence is issued, to have regard to the number of days actually worked spread across a particular period.
- (5) Guidance shall require local authorities to provide for on-line applications for licences, to deal with all licences in time if submitted at least 10 days before they are to come into effect, or five days in respect of a repeated application.
- (6) Guidance shall provide for local authorities to inspect sites where children taking part in performances are to be accommodated, if they will be residing alongside unconnected adults.
- (7) Guidance shall provide for local authorities to disregard absence in connection with licensed performances in school records for authorised absences.

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- (8) Guidance shall provide that local authorities shall require that matrons or chaperones shall operate under standards accepted by the appropriate advisory bodies.
- (9) Guidance shall also include the circumstances in which it is appropriate to authorise a body of persons to organise a performance for which licences will not be required by virtue of section 37(3)(b) of this Act, including where the performers are of 13 years or upwards or if the body is an amateur body and has a nominated child protection person who has received appropriate training and is independent of the chaperone.
- (10) Guidance under this section shall be laid before Parliament and shall be subject to annulment in pursuance of a resolution of either House of Parliament as if it were contained in a statutory instrument subject to such annulment.”.
- (9) Clause 42 of the Act (Licences for children and young persons performing abroad) shall be amended by inserting after subsection (1)—
- “(1A) Licences under section 25 of the principal Act in relation to performances as defined under this Act shall be issued by local authorities rather than as specified in the principal Act.”.
- (10) In subsection (2) of that section the words after the word “granted” shall be replaced by the words “regardless of the age of the child”.
- (11) In the Children (Performances) Regulations 1968 (SI 1968/1728)—
- (a) In Regulation 8 (Medical examinations) in paragraph (2), the words “performance taking place within a period of six months from the date of the said medical examination” shall be replaced by the words “later performance”.
- (b) At the end of Regulation 10 (Education) there shall be inserted—
- “(6) The child’s parents or guardians must inform the child’s school of any days on which the child will be absent by reason of taking part in performances.”.
- (c) In Regulation 12(3) (maximum number of other children a matron shall have charge of), “eleven” shall be replaced by “nine”.
- (d) At the end of Regulation 12 (Matrons) there shall be inserted—
- “(7) A matron in respect of a performance organised by an amateur body who is unpaid shall not require local authority approval provided that he or she is CRB-checked and is independent of the nominated child protection person.”.
- (e) Regulation 17 (Further medical examinations) shall cease to have effect.”.
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