



House of Commons

Tuesday 16 April 2013

PUBLIC BILL COMMITTEE PROCEEDINGS

CHILDREN AND FAMILIES BILL

[THIRTEENTH AND FOURTEETH SITTINGS]

Mr Robert Buckland

Withdrawn 43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

Not called 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

Not called 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

Not called 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

Not called 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.’.

Children and Families Bill, *continued*

Clause agreed to.

Mr Edward Timpson

Agreed to **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

Not called **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

Not called **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

Not called **125**

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

Clause, as amended, agreed to.

Mr Robert Buckland

Withdrawn **44**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

Not called **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

Not selected 224

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

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy*Withdrawn* 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

Not called 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*Not called* 130

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

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy*Withdrawn* 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

Children and Families Bill, *continued*

- (d) any other considerations or preferences stated by the child or young person and their families.’.

Clause agreed to.

Mr Robert Buckland

Withdrawn 190

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

Mr Robert Buckland

Not called 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

Not called 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

Not called 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

Not called 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

Not called 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.’.

Children and Families Bill, continued

Clause agreed to.

Mr Edward Timpson

Agreed to 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

Agreed to 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

Not called 135

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

Mr Edward Timpson

Agreed to 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

Agreed to 66

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

Mr Edward Timpson

Agreed to 67

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

‘(3) “Specified”, in relation to an EHC plan, means specified in the plan.’.

Clause, as amended, agreed to.

Clause 43 agreed to.

Mr Robert Buckland

Withdrawn 45

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

Children and Families Bill, *continued*

Mr Robert Buckland

Not called 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

Withdrawn 137

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

Mrs Sharon Hodgson

Lisa Nandy

Not called 138

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

Mr Robert Buckland

Not called 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.’

Clause agreed to.

Mr Robert Buckland

Withdrawn 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’.

Mr Robert Buckland

Not called 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

Not called 210

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

Children and Families Bill, continued

- ‘(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

Not called 142

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

Mr Robert Buckland

Not called 39

Clause 45, page 33, line 35, at end insert—

- ‘(d) the procedure to be followed for transition review meetings and transition plan development.’.

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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.’.

Clause agreed to.

Clause 47 agreed to.

Caroline Nokes

Withdrawn 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

Negated on division 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.’.

Children and Families Bill, *continued*

- (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).’.

Clause agreed to.

Clause 49 agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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

Not called 145

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

Mr Robert Buckland

Withdrawn 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

Agreed to 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.’.

Children and Families Bill, continued

Clause, as amended, agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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).’.

Clause agreed to.

Clauses 52 to 55 agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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’.

Clause agreed to.

Clauses 57 and 58 agreed to.

Mr Edward Timpson

Agreed to 222

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 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.’.

Clause, as amended, agreed to.

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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.’

Clause agreed to.

Mr Graham Allen

Not selected 292

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

Mrs Sharon Hodgson
Lisa Nandy
Mr Graham Allen

Withdrawn 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

Not called 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

Not called 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

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 164

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 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

Not called 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 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.’.

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 166

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

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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.’.

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Not called **169**

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

Clause agreed to.

[Adjourned until Thursday at 11.30 am]