



House of Commons

Thursday 18 April 2013

PUBLIC BILL COMMITTEE PROCEEDINGS

CHILDREN AND FAMILIES BILL

[FIFTEENTH AND SIXTEENTH SITTINGS]

Mr Edward Timpson

That the Order of the Committee of 5 March 2013 be amended as follows—

1. In paragraph (1)—
 - (a) after sub-paragraph (h) omit ‘and’, and
 - (b) after sub-paragraph (i) insert ‘and
(j) at 11.30 am and 2.00 pm on Thursday 25 April.’.
2. In paragraph (4) for ‘Tuesday 23 April’ substitute ‘Thursday 25 April’.

Agreed to

Mrs Sharon Hodgson
Lisa Nandy

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

Not called 170

Mrs Sharon Hodgson
Lisa Nandy

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

Withdrawn 171

Annette Brooke

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].’.

Not called 202

Children and Families Bill, *continued*

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 172

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

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 174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

Not called 173

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 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

Not called 177

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

Clause agreed to.

Mr Robert Buckland

Withdrawn 207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.'

Clause agreed to.

Children and Families Bill, continued

Mr Robert Buckland

Withdrawn 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

Not called 180

Clause 67, page 46, line 1, leave out ‘such persons as the Secretary of State sees fit’ and insert ‘publicly, for a period of not less than 90 days’.

Mrs Sharon Hodgson

Lisa Nandy

Not called 181

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

Mr Robert Buckland

Withdrawn 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.’.

*Clause agreed to.**Clause 68 agreed to.*

Mr Robert Buckland

Mrs Sharon Hodgson

Not selected 53

Page 47, line 15, leave out Clause 69.

*Clause agreed to on division.**Clauses 70 and 71 agreed to.*

Children and Families Bill, *continued*

Mr Robert Buckland

Not selected 225

Page 138, line 36, leave out Schedule 3.

Mr Edward Timpson

Agreed to 227

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

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

Children and Families Bill, *continued*

- “(ba) in the case of a local authority in England, any learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7)) the persons may have;
- (bb) in the case of a local authority in Wales, any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000) the persons may have;”.

Mr Edward Timpson

Agreed to **228**

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

Mr Edward Timpson

Agreed to **229**

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

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

Mr Edward Timpson

Agreed to **230**

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

- ‘3 (1) Section 313 (code of practice) is amended as follows.
- (2) In subsections (1) and (4) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (5)—
 - (a) after “means” insert “the Special Educational Needs Tribunal for Wales.”, and
 - (b) omit paragraphs (a) and (b).
- 3A (1) Section 314 (making and approval of code) is amended as follows.
- (2) In subsection (1)—
 - (a) for “Secretary of State proposes” substitute “Welsh Ministers propose”, and
 - (b) for “he” substitute “they”.
- (3) In subsection (2)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”,
 - (b) for “he thinks” substitute “they think”, and
 - (c) for “them” substitute “those persons”.
- (4) For subsection (3) substitute—

Children and Families Bill, *continued*

“(3) If the Welsh Ministers determine to proceed with the draft (either in its original form or with such modifications as they think fit) they shall lay it before the National Assembly for Wales.”

(5) In subsection (4)—

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

Mr Edward Timpson

Agreed to **231**

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

‘() In subsection (2) —

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

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

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

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

Mr Edward Timpson

Agreed to **232**

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

Mr Edward Timpson

Agreed to **233**

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

‘() In subsection (10)—

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

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

Mr Edward Timpson

Agreed to **234**

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

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

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

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

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

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

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

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

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

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

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

Children and Families Bill, *continued*

- 4C In section 326 (appeal against contents of statement), in subsection (4)(c) for the words from “in the case” to “in the proceedings” substitute “in the proceedings the child has proposed the school”.
- 4D (1) Section 326A (unopposed appeals) is amended as follows.
- (2) In subsection (1), for paragraph (a) substitute—
- “(a) the parent of a child, or a child, has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local authority, and”.
- (3) In subsection (6)—
- (a) after “regulations made” insert “by the Welsh Ministers”, and
- (b) omit paragraphs (a) and (b).
- 4E (1) Section 328A (appeal against determination of local authority in England not to amend statement following review) is repealed.
- (2) In consequence of the repeal made by sub-paragraph (1), section 2 of the Children, Schools and Families Act 2010 is repealed.
- 4F (1) Section 329A (review or assessment of educational needs at request of responsible body) is amended as follows.
- (2) In subsection (14)—
- (a) after ““Relevant early years education”” insert “has the same meaning as it has (in relation to Wales) in section 123 of the School Standards and Framework Act 1998 except that it does not include early years education provided by a local authority at a maintained nursery school.”, and
- (b) omit paragraphs (a) and (b).
- (3) In subsection (15)—
- (a) omit “, in relation to Wales,”, and
- (b) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (4) In consequence of the amendments made by sub-paragraph (2), in paragraph 22 of Schedule 2 to the Childcare Act 2006, omit sub-paragraph (4).
- (5) Until the coming into force in relation to Wales of the amendments made by paragraph 22(2) and (3) of Schedule 2 to the Childcare Act 2006, section 329A of EA 1996 has effect as if for subsection (14) (as amended by sub-paragraph (2)) there were substituted—
- “(14) “Relevant nursery education” has the same meaning as in section 123 of the School Standards and Framework Act 1998, except that it does not include nursery education provided by a local authority at a maintained nursery school.”
- 4G (1) Section 332ZA (right of a child to appeal to the Welsh Tribunal) is amended as follows.
- (2) In subsection (1) omit “Welsh”.
- (3) In the title omit “Welsh”.
- 4H In section 332ZB (notice and service of documents on a child in relation to an appeal by the child), in subsection (1) omit “in Wales”.
- 4I (1) Section 332ZC (case friends—Wales) is amended as follows.
- (2) In subsection (1), in paragraph (a) omit “in Wales”.
- (3) In subsection (3), in paragraph (a) omit “Welsh”.
- (4) In the title, omit “—Wales”.
- 4J (1) Section 332A (advice and information for parents—England) is repealed.
- (2) In consequence of the repeal made by sub-paragraph (1), section 2 of the Special Educational Needs and Disability Act 2001 is repealed.

Children and Families Bill, *continued*

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

Children and Families Bill, *continued*

- (2) In the following provisions, omit “Welsh”—
 - (a) subsection (1) (in both places it occurs),
 - (b) subsection (2), and
 - (c) subsection (3).
 - (3) In the title, omit “Welsh”.
- 4U In section 336A (compliance with orders), in subsection (2)—
- (a) after “made” insert “by the Welsh Ministers with the agreement of the Secretary of State.”, and
 - (b) omit paragraphs (a) and (b).’.

Mr Edward Timpson

Agreed to 235

Schedule 3, page 139, line 29, at end insert—

- ‘ (1) Section 348 (provision of special education at non-maintained schools) is amended as follows.
- (2) In subsection (1) after paragraph (a) (and before the “and” which follows it) insert—
 - “(aa) the child is in the area of a local authority in Wales.”.
- (3) In the title, at the end insert “—Wales”.’.

Mr Edward Timpson

Agreed to 236

Schedule 3, page 140, line 33, at end insert—

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

Children and Families Bill, *continued*

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

Children and Families Bill, continued

- (7) In subsection (8)—
- (a) after “maintaining” insert “the plan or”, and
 - (b) in paragraph (a), for “a statement was being maintained for the person by a local authority under section 324” substitute “an EHC plan or a statement under section 324 was being maintained for the person by a local authority”.
- (8) In subsection (9) after “a copy of any” insert “plan or”.
- 11N (1) Section 562H (release of detained person appearing to host authority to require assessment) is amended as follows.
- (2) For subsection (2) substitute—

“(2) Subsection (3) applies where it appears to the host authority that—

 - (a) if the home authority are a local authority in England, the detained person will, on release, be a child within the meaning given in section 579(1);
 - (b) if the home authority are a local authority in Wales, the detained person will, on release, be a child within the meaning given in section 312(5).”
 - (3) In subsection (5), in paragraph (a) after “learning difficulty” insert “or disability”.

Mr Edward Timpson

Agreed to 237

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

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

Mr Edward Timpson

Agreed to 238

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

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

Children and Families Bill, continued

“in the area of a local authority in England section 579(3A)

in the area of a local authority in Wales section 579(3B)”,

() for the entry for “learning difficulty” substitute—

“learning difficulty (in relation to a child in the area of a local authority in Wales) section 312(2) and (3) (subject to subsection (3A))”.

Mr Edward Timpson

Agreed to **239**

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

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

Mr Edward Timpson

Agreed to **264**

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

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

Schedule, as amended, agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Not called **184**

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

Children and Families Bill, continued

“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.’

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Negatived on division 284

Clause 73, page 48, line 43, at beginning insert ‘If, after a consultation period of not less than three months, and the publication of a response to the consultation, the Secretary of State is satisfied with the provisions, he may make an order so that’.

Clause agreed to on division.

Mr Edward Timpson
Jo Swinson

Agreed to 241

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

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

Mr Edward Timpson
Jo Swinson

Agreed to 242

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

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

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

(i) with another childminder agency;

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

Mr Edward Timpson
Jo Swinson

Agreed to 243

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

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

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

(i) with another childminder agency;

Children and Families Bill, *continued*

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

Mr Edward Timpson
Jo Swinson

Agreed to 244

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

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

Mr Edward Timpson
Jo Swinson

Agreed to 245

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

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

Mr Edward Timpson
Jo Swinson

Agreed to 246

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

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

17B After section 57 insert—

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

- (1) Subsection (2) applies where—
- (a) a person is registered with an early years childminder agency as an early years childminder, and
- (b) that agency is also a later years childminder agency.
- (2) If the person gives notice to the agency that he or she proposes to provide later years childminding in respect of which he or she is required to be registered under this Chapter, the agency must—
- (a) register the person in the register maintained by the agency as a later years childminder, and

Children and Families Bill, continued

- (b) give the person a certificate of registration stating that he or she is so registered.
- (3) Subsection (4) applies where—
 - (a) a person is registered with an early years childminder agency in respect of particular premises as an early years provider other than a childminder, and
 - (b) that agency is also a later years childminder agency.
- (4) If the person gives notice to the agency that he or she proposes to provide later years provision in respect of which he or she is required to be registered under this Chapter on the same premises, the agency must—
 - (a) register the person in the register maintained by the agency as a later years provider other than a childminder, in respect of the premises, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
- (5) Subsections (3) and (4) of section 56A apply in relation to a certificate of registration given in pursuance of subsection (2) or (4) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) or (2) of that section.”.

Mr Edward Timpson
Jo Swinson

Agreed to 247

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

‘PART 3A

VOLUNTARY REGISTRATION WITH CHILDMINDER AGENCY

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

“Voluntary registration of persons registered with childminder agencies

65A Procedure for persons already registered with a childminder agency

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

Children and Families Bill, *continued*

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

Mr Edward Timpson
Jo Swinson

Agreed to **248**

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

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

Children and Families Bill, continued

Mr Edward Timpson
Jo Swinson

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

Agreed to **249**

Mr Edward Timpson
Jo Swinson

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

Agreed to **250**

Mr Edward Timpson
Jo Swinson

Schedule 4, page 156, line 40, leave out ‘or 3’ and insert ‘, 3 or 4’.

Agreed to **251**

Mr Edward Timpson
Jo Swinson

Schedule 4, page 157, line 40, leave out ‘under Chapter 4’ and insert ‘in Part B of the general childcare register’.

Agreed to **252**

Mr Edward Timpson
Jo Swinson

Schedule 4, page 159, line 7, at end insert—

Agreed to **253**

‘(3C) An early years childminder agency or a later years childminder agency must not register for the purposes of Chapter 4 a person who is disqualified from registration by regulations under section 75.’’.

Mr Edward Timpson
Jo Swinson

Schedule 4, page 159, line 8, leave out ‘or (3B)’ and insert ‘, (3B) or (3C)’.

Agreed to **254**

Mr Edward Timpson
Jo Swinson

Schedule 4, page 159, line 13, leave out ‘or (3B)’ and insert ‘, (3B) or (3C)’.

Agreed to **255**

Mr Edward Timpson
Jo Swinson

Schedule 4, page 162, line 17, leave out ‘or 3’ and insert ‘, 3 or 4’.

Agreed to **256**

Mr Edward Timpson
Jo Swinson

Schedule 4, page 162, line 29, after ‘to’ insert ‘the Secretary of State,’.

Agreed to **257**

Mr Edward Timpson
Jo Swinson

Schedule 4, page 162, line 32, after ‘to’ insert ‘the Secretary of State,’.

Agreed to **258**

Children and Families Bill, continued

Mr Edward Timpson
Jo Swinson

Schedule 4, page 162, line 35, leave out ‘or 3’ and insert ‘, 3 or 4’.

Agreed to 259

Mr Edward Timpson
Jo Swinson

Schedule 4, page 162, line 39, at end insert—

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

Agreed to 260

Mr Edward Timpson
Jo Swinson

Schedule 4, page 163, line 40, leave out sub-paragraph (2) and insert—

‘(2) In subsection (1)—

(a) after paragraph (a) insert—

“(aa) section 57A(2) and (4);

(ab) section 61C(1);”, and

(b) after paragraph (b) insert—

“(ba) section 65A(1) and (3);”.’.

Agreed to 261

Mr Edward Timpson
Jo Swinson

Schedule 4, page 164, line 8, at end insert—

‘() after the definition of “childcare” insert—

““childminder agency” means—

(c) an early years childminder agency;

(d) a later years childminder agency;”,’.

Agreed to 262

Schedule, as amended, agreed to.

Clause 74 agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Page 49, line 12, Leave out Clause 75.

Not selected 285

Question proposed that the Clause stand part of the Bill.

[Adjourned until Tuesday 23 April at 9.25 am