



House of Commons

Thursday 21 March 2013

PUBLIC BILL COMMITTEE PROCEEDINGS

CHILDREN AND FAMILIES BILL

[ELEVENTH AND TWELFTH SITTINGS]

Mrs Sharon Hodgson
Lisa Nandy

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 *Withdrawn 78*

Mr Robert Buckland

Clause 27, page 20, line 40, after 'needs', insert 'and disabled children and young people.'. *Not called 48*

Mrs Sharon Hodgson
Lisa Nandy

Clause 27, page 20, line 41, after first 'provision', insert ' , health care provision'. *Not called 79*

Mr Robert Buckland

Clause 27, page 20, line 43, after 'needs', insert 'and disabled children and young people.'. *Not called 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.'. *Withdrawn 80*

Mr Robert Buckland

Clause 27, page 21, line 3, at end insert— *Withdrawn 50*
'(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).'

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Not called 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

Not called 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

Not called 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

Not called 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.’

Clause agreed to.

Annette Brooke

Not called 200

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

Mr Edward Timpson

Agreed to 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;’.

Children and Families Bill, continued

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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

Withdrawn 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

Agreed to 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

Not called 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.’

Clause, as amended, agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 85

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

Annette Brooke

Not called 201

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

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Not called 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.’.

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 87

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

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 89

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 88

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 90

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

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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

Not called 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

Not called 91

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

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Not called 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

Withdrawn 51

Clause 30, page 23, line 33, after ‘employment’, insert ‘, retaining employment and accessing benefits’.

Mrs Sharon Hodgson
Lisa Nandy

Not called 95

Clause 30, page 23, line 35, at end insert ‘, including in online communities.’.

Mrs Sharon Hodgson
Lisa Nandy

Not called 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

Not called 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

Not called 92

Clause 30, page 23, line 43, leave out ‘parents’ and insert ‘families’.

Mr Robert Buckland

Withdrawn 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

Not called 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

Not called 101

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 93

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

Mr Robert Buckland

Not called 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

Not called 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

Not called 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.'

Mr Robert Buckland

Withdrawn 215

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

Children and Families Bill, *continued*

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

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Not called 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.’

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 103

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

Mr Robert Buckland

Withdrawn 36

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 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

Not called 104

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 106

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.'

Clause agreed to.

Annette Brooke

Not called 197

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

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 107

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

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

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 108

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).'

Mrs Sharon Hodgson
Lisa Nandy

Not called 109

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;

Children and Families Bill, continued

- (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).'

Clause agreed to.

Annette Brooke

Not called 203

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

Clause agreed to.

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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

Not called 212

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

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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

Withdrawn 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.'

Children and Families Bill, *continued*

Mrs Sharon Hodgson
Lisa Nandy

Withdrawn 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.'

Mrs Sharon Hodgson
Lisa Nandy

Not called 115

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

Mrs Sharon Hodgson
Lisa Nandy

Not called 116

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

Mr Robert Buckland

Not called 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

Not called 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

Not called 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

Not called 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

Withdrawn 37

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

Mr Robert Buckland

Not called 218

Clause 36, page 28, line 16, leave out subsection (10) and insert—

Children and Families Bill, *continued*

- (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.'

Mrs Sharon Hodgson
Lisa Nandy

Not called 119

Clause 36, page 28, line 17, at end insert 'and previous educational outcomes.'

[Adjourned until Tuesday 16 April at 9.25 am—*Agreed to on division*]