



House of Commons

Tuesday 23 April 2013

PUBLIC BILL COMMITTEE PROCEEDINGS

CHILDREN AND FAMILIES BILL

[SEVENTEENTH AND EIGHTEENTH SITTINGS]

Clause 75 agreed to on division.

Clause 76 agreed to.

Lucy Powell

Withdrawn 265

Clause 77, page 50, line 15, at end insert—

‘(ga) investigate the effectiveness of the safety and protection of children living at any specific premises which the Children’s Commissioner is empowered to enter under section 2E.’

Lisa Nandy

Not called 269

Clause 77, page 50, line 15, at end insert—

‘(ga) investigate reported instances of the trafficking of children, with particular regard to migrant children;
(gb) investigate matters relating to children in custody.’

Lisa Nandy
Mrs Sharon Hodgson

Withdrawn 293

Clause 77, page 50, line 27, leave out from ‘may’ to end of line 28 and insert ‘only conduct an investigation of the case of an individual child where he considers it will enable him to discharge the primary function more effectively.’

Mr Steve Reed

Withdrawn 270

Clause 77, page 50, line 43, at end insert ‘and have due regard to their views.’

Lucy Powell

Not called 266

Clause 77, page 51, line 3, at end insert—

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(c) consult, so far as possible, all children living at any premises that the Commissioner is investigating under section 2(3)(ga).’.

Mr Steve Reed

Not called 271

Clause 77, page 51, line 8, at end insert ‘and have due regard to their views.’.

Lucy Powell

Not called 267

Clause 77, page 51, line 20, at end add—

‘(4) For investigations under section 2(3)(ga), where a report contains recommendations, the Commissioner must require that the person towards whom those recommendations are directed implement them, or otherwise to state in writing why they are unable to do so.’.

Clause agreed to.

Clause 78 agreed to.

Lucy Powell

Not called 268

Clause 79, page 51, line 40, after ‘child’, insert ‘or children’.

Clause agreed to.

Clauses 80 and 81 agreed to.

Mr Steve Reed

Not called 272

Clause 82, page 53, line 5, at end insert ‘and have due regard to their views.’.

Clause agreed to.

Mr Steve Reed

Not called 273

Clause 83, page 53, line 32, at end insert ‘and the extent to which the Commissioner has had due regard to their views.’.

Clause agreed to.

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Mr Steve Reed

Withdrawn 274

Clause 84, page 54, line 16, at end insert—

‘(5A) A child is within this subsection if he or she is detained in pursuance of—

(a) an order made by a court, or

(b) an order of recall made by the Secretary of State.

(5B) A child is within this subsection if he or she has been identified by a professional as a potential victim of trafficking.

(5C) A child is within this subsection if he or she is a separated migrant child.’.

*Clause agreed to.**Clause 85 agreed to.*

 Lisa Nandy
 Mrs Sharon Hodgson
Withdrawn 294

Schedule 5, page 168, line 9, at end insert—

‘(za) In sub-paragraph (1), after “Secretary of State” insert “with the consent of the Education Committee of the House of Commons”.’.

 Lisa Nandy
 Mrs Sharon Hodgson
Not called 296

Schedule 5, page 168, line 11, at end insert—

‘(aa) after sub-paragraph (2) insert—

“(2A) In appointing the Children’s Commissioner the Secretary of State shall—

(a) have due regard to the views of—

(i) any parliamentary committee which has published a view on the proposed appointment;

(ii) children involved in the appointment of the Children’s Commissioner, and

(iii) the advice of any selection panel, established for the purpose of interviewing candidates, as to their suitability for appointment;

(b) appoint an individual only if the Secretary of State reasonably considers the individual—

(i) has experience and knowledge relating to children’s rights;

(ii) is able and willing to act independently of government;

(iii) enjoys the trust and confidence of the public (including children); and

(iv) is capable of effectively fulfilling the Children’s Commissioner’s primary function.”.’.

Children and Families Bill, continued

Lisa Nandy
Mrs Sharon Hodgson

Not called 295

Schedule 5, page 168, line 14, at end insert—
(d) after sub-paragraph (7) add—

“(8) The Secretary of State may only use his power under sub-paragraph (7) with the consent of the Education Committee of the House of Commons”.

Mr Edward Timpson

Agreed to 263

Schedule 5, page 169, line 11, leave out paragraph (b).

Schedule, as amended, agreed to.

Mr Edward Timpson

Agreed to 226

Clause 86, page 54, line 40, leave out subsection (3).

Clause, as amended, agreed to.

Schedule 6 agreed to.

Lucy Powell

Withdrawn 325

Clause 87, page 55, leave out line 12.

Lucy Powell

Not called 326

Clause 87, page 56, leave out line 3.

Lisa Nandy
Mrs Sharon Hodgson

Withdrawn 338

Clause 87, page 56, line 37, at end insert—

(7) Entitlements provided by regulations made under this section may be transferred to another family member or other related party in the following exceptional circumstances—

- (a) where a mother is incapacitated;
- (b) where a medical practitioner prescribes that the mother is unable to look after the child; or
- (c) where the mother dies in childbirth.’

Jo Swinson

Agreed to 275

Clause 87, page 57, line 15, leave out ‘made by the Secretary of State’ and insert

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‘under section 75E’.

Lisa Nandy
Mrs Sharon Hodgson

Withdrawn 331

Clause 87, page 57, leave out lines 35 and 36 and insert—

‘(8) Regulations under section 75E may provide for the taking of leave under section 75E in a single period, in non-conclusive periods, or in periods shorter than the period which constitutes, for the employee, a week’s leave.’.

Lucy Powell

Not called 327

Clause 87, page 59, leave out line 11.

Lucy Powell

Not called 328

Clause 87, page 59, leave out line 46.

Jo Swinson

Agreed to 276

Clause 87, page 61, line 24, leave out ‘made by the Secretary of State’ and insert ‘under section 75G’.

Lisa Nandy
Mrs Sharon Hodgson

Withdrawn 329

Clause 87, page 64, line 17, leave out ‘may’ and insert ‘shall’.

Lisa Nandy
Mrs Sharon Hodgson

Not called 330

Clause 87, page 64, line 21, leave out ‘may’ and insert ‘shall’.

Jo Swinson

Agreed to 277

Clause 87, page 65, line 20, leave out ‘75F(3) or (16)’ and insert ‘75F(16)’.

Jo Swinson

Agreed to 278

Clause 87, page 65, line 20, leave out ‘75H(3), (16)’ and insert ‘75H(16)’.

Clause, as amended, agreed to.

Lucy Powell

Withdrawn 332

Clause 88, page 65, line 23, at end insert—

‘(za) in subsection (2) at the end there is inserted “for each child born as a result of the pregnancy in addition to her entitlement to additional maternity leave under section 73;”’.

Children and Families Bill, continued

Clause agreed to.

Clauses 89 and 90 agreed to.

Lucy Powell

Withdrawn 297

Clause 91, page 83, line 44, at end insert—

- (d) becoming a special guardian under section 14A of the Children Act 1989,
- (e) becoming a family and friends (kinship) carer in prescribed circumstances.

(1B) In section 75B of the Employment Rights Act 1996 (additional adoption leave), after subsection (1) there is inserted—

“(1A) The conditions that may be prescribed under subsection (1) include conditions as to—

- (a) becoming a special guardian under section 14A of the Children Act 1989,
- (b) becoming a family and friends carer in prescribed circumstances.”’.

Lucy Powell

Not called 298

Clause 91, page 84, line 14, at end insert ‘for whom a special guardian has been appointed under section 14A of the Children Act 1989 or placed in a family and friends (kinship) care arrangement in prescribed circumstances.’.

Lucy Powell

Not called 299

Clause 91, page 84, line 20, at end insert ‘: or to being placed with a special guardian under section 14A of the Children Act 1989 or to being placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

Lucy Powell

Not called 300

Clause 91, page 84, line 22, leave out ‘with such a person’ and insert ‘or section 14A with such a person or to placement with a family and friends (kinship) carer in prescribed circumstances;’.

Lucy Powell

Not called 301

Clause 91, page 84, line 30, after ‘adopter’, insert ‘or placed with a special guardian under section 14A of the Children Act 1989 or placed in a family and friends (kinship) care arrangement in prescribed circumstances’.

Lucy Powell

Not called 302

Clause 91, page 84, line 34, at end insert ‘or to being placed with a special guardian under section 14A or to being placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

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Lucy Powell

Not called **303**

Clause 91, page 84, line 40, at end insert ‘or the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

Lucy Powell

Not called **304**

Clause 91, page 84, line 42, at end insert ‘or section 14A or to placement with a family and friends carer in prescribed circumstances’.

Lucy Powell

Not called **305**

Clause 91, page 84, line 44, at end insert ‘or “special guardian” or “family and friends (kinship) carer in prescribed circumstances”’.

Lucy Powell

Not called **306**

Clause 91, page 84, line 47, after ‘section’ insert ‘14A or’.

Lucy Powell

Not called **307**

Clause 91, page 84, line 47, after ‘1989’, insert ‘or placement with a family and friends carer in prescribed circumstances’.

Lucy Powell

Not called **308**

Clause 91, page 85, line 6, after ‘section’, insert ‘14A or’.

Lucy Powell

Not called **309**

Clause 91, page 85, line 7, at end insert ‘or placement with a family and friends (kinship) carer in prescribed circumstances;’.

Lucy Powell

Not called **310**

Clause 91, page 85, line 9, leave out ‘22C’ and insert ‘14A or 22C or to being placed with a family and friends carer (kinship) in prescribed circumstances’.

Lucy Powell

Not called **311**

Clause 91, page 85, line 15, after ‘adopter’ insert ‘or placed with a special guardian under section 14A of the Children Act 1989 or placed in a family and friends (kinship) care arrangement in prescribed circumstances’.

Lucy Powell

Not called **312**

Clause 91, page 85, line 19, at end insert ‘or to being placed with a special guardian under section 14A or to being placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

Children and Families Bill, continued

Lucy Powell

Not called 313

Clause 91, page 85, line 24, at end insert ‘or, the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends (kinship) care arrangement in prescribed circumstances;’.

Lucy Powell

Not called 314

Clause 91, page 85, line 26, leave out ‘22C’ and insert ‘14A or 22C or placement with a family and friends (kinship) carer in prescribed circumstances.’.

Lucy Powell

Not called 315

Clause 91, page 85, line 29, leave out ‘22C’ and insert ‘14A or 22C or placement with a family and friends (kinship) carer in prescribed circumstances.’.

Lucy Powell

Not called 316

Clause 91, page 85, line 32, after ‘section’, insert ‘14A or’.

Lucy Powell

Not called 317

Clause 91, page 85, line 32, after ‘1989’, insert ‘or placement with a family and friends (kinship) carer in prescribed circumstances’.

Lucy Powell

Not called 318

Clause 91, page 85, line 43, at end insert ‘or the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends (kinship) care arrangement in prescribed circumstances.’.

Clause agreed to.

Clauses 92 to 96 agreed to.

 Jo Swinson
Agreed to 280

Schedule 7, page 171, line 22, leave out paragraph (a) and insert—
 ‘() in paragraph (a), after “(6), (7)” there is inserted “, (7A) or (7B)”;
 () in paragraph (a), the words “or (8)” are repealed.’.

Jo Swinson

Agreed to 281

Schedule 7, page 171, line 28, at end insert—
 ‘() After sub-paragraph (7) there is inserted—
 “(7A) This sub-paragraph applies if—
 (a) the member’s absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989, and

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- (b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZB(8) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter).

(7B) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZK(2) of that Act (cases involving applicants for parental orders under section 54 of the Human Fertilisation and Embryology Act 2008).” ’.

Jo Swinson

Agreed to **282**

Schedule 7, page 171, line 31, at end insert—

‘2A (1) Paragraph 5B (schemes that contain unfair adoption leave provisions) is amended as follows.

(2) In sub-paragraph (4) (definitions), in the definition of “period of paid adoption leave”, in paragraph (a), for “or (6)” there is substituted “, (6), (7) or (8)”.

(3) After sub-paragraph (6) there is inserted—

“(7) This sub-paragraph applies if—

- (a) the member's absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989, and
- (b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZL(9) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter).

(8) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZT(2) of that Act (cases involving applicants for parental orders under section 54 of the Human Fertilisation and Embryology Act 2008).” ’.

Jo Swinson

Agreed to **283**

Schedule 7, page 171, line 31, at end insert—

‘2B After paragraph 5B there is inserted—

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“Unfair shared parental leave provisions

- 5C (1) Where an employment-related benefit scheme includes any unfair shared parental leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.

- (2) In this paragraph “unfair shared parental leave provisions”, in relation to an employment-related benefit scheme, means any provision—

- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid shared parental leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
- (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid shared parental leave, to be determined otherwise than in accordance with the normal employment requirement.

- (3) In the case of any unfair shared parental leave provision—

- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
- (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;

but, in respect of any period of paid shared parental leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory shared parental pay actually paid to or for the member in respect of that period.

- (4) In this paragraph—

“the normal employment requirement” is the requirement that any period of paid shared parental leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so;

“period of paid adoption leave” has the same meaning as in paragraph 5B;

“period of paid paternity leave” has the same meaning as in paragraph 5A;

“period of paid shared parental leave”, in the case of a member, means a period—

- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5), (6), (7), (8), (9) or (10) applies, and

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- (b) for which the employer (or if the member is no longer in that person's employment, his former employer) pays the member any contractual remuneration or statutory shared parental pay.
- (5) This sub-paragraph applies if—
- (a) the member's absence from work is due to the birth of a child,
 - (b) the member is the mother of the child, and
 - (c) the absence from work is not absence on maternity leave (within the meaning of the Equality Act 2010).
- (6) This sub-paragraph applies if—
- (a) the member's absence from work is due to the birth of a child,
 - (b) the member is a person who satisfies the conditions prescribed under section 171ZU(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992 in relation to the child, and
 - (c) the member's absence from work is not absence during a period of paid paternity leave.
- (7) This sub-paragraph applies if—
- (a) the member's absence from work is due to the placement of a child for adoption under the law of any part of the United Kingdom,
 - (b) the member is—
 - (i) a person with whom a child is placed for adoption under the law of any part of the United Kingdom, or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992 in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (8) This sub-paragraph applies if—
- (a) the member's absence from work is due to the placement of a child under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter,
 - (b) the member is—
 - (i) the local authority foster parent with whom the child in question is placed under section 22C of the Children Act 1989, or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZV(18) of that Act (cases involving the placing of a child by a local authority foster parent who has been approved as a prospective adopter), in relation to the child, and

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- (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (9) This sub-paragraph applies if—
 - (a) the member's absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve placement of the child for adoption under the law of any part of the United Kingdom,
 - (b) the member is—
 - (i) the person who has adopted or expects to adopt the child in question, or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZZ5(1) of that Act (adoption cases not involving placement under the law of the United Kingdom), in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (10) This sub-paragraph applies if—
 - (a) the member's absence from work is due to the birth of a child,
 - (b) the member is a person who has applied, or intends to apply, for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave." .

Schedule, as amended, agreed to.

Lisa Nandy
Sharon Hodgson

Clause 97, page 89, line 26, after 'take', insert 'reasonable'.

Withdrawn 321

Lisa Nandy
Sharon Hodgson

Clause 97, page 89, leave out lines 29 to 31.

Not called 323

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Lisa Nandy
Sharon Hodgson

Clause 97, page 89, leave out lines 29 to 33.

Not called 319

Lisa Nandy
Sharon Hodgson

Clause 97, page 92, line 21, after 'take', insert 'reasonable'.

Not called 322

Lisa Nandy
Sharon Hodgson

Clause 97, page 92, leave out lines 25 to 27 and insert—

'(2) In relation to a singleton pregnancy, an employee is not entitled to take time off for the purpose specified in subsection (1) on more than two occasions and in relation to a multiple pregnancy, an employee is not entitled to take time off for the purpose specified in subsection (1) on more than six occasions.'

Not called 324

Lisa Nandy
Sharon Hodgson

Clause 97, page 92, leave out lines 25 to 29.

Not called 320

Clause agreed to.

Clauses 98 to 100 agreed to.

Lucy Powell

Clause 101, page 108, line 41, at end insert—
'(ca) subsection (8) is repealed.'

Withdrawn 333

Clause agreed to.

Lisa Nandy
Mrs Sharon Hodgson

Page 109, line 1, leave out Clause 102.

Not selected 336

Lisa Nandy
Mrs Sharon Hodgson

Clause 102, page 109, line 10, leave out 'If an employer allows an employee to appeal' and insert 'Where an employee appeals'.

Withdrawn 334

Children and Families Bill, *continued*

Lisa Nandy
Mrs Sharon Hodgson

Not called 335

Clause 102, page 109, line 34, leave out 'where the employer allow the employee to appeal' and insert 'where an employee appeals'.

Clause agreed to.

Lisa Nandy
Mrs Sharon Hodgson

Withdrawn 337

Clause 103, page 110, line 10, at end insert 'or
(d) that the grounds for the employer's refusal under 80G(1)(b) was not applicable.'

Clause agreed to.

Clause 104 agreed to.

[Adjourned until Thursday at 11.30 am