



# House of Commons

**Tuesday 11 June 2013**

## **CONSIDERATION OF BILL**

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### **CHILDREN AND FAMILIES BILL, AS AMENDED**

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#### *NEW CLAUSES*

#### *Transfer of EHC plans*

Secretary Michael Gove

**NC9**

To move the following Clause:—

- (1) Regulations may make provision for an EHC plan maintained for a child or young person by one local authority to be transferred to another local authority in England, where the other authority becomes responsible for the child or young person.
  - (2) The regulations may in particular—
    - (a) impose a duty on the other authority to maintain the plan;
    - (b) treat the plan as if originally prepared by the other authority;
    - (c) treat things done by the transferring authority in relation to the plan as done by the other authority.’.
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#### *Childcare costs scheme: preparatory expenditure*

Secretary Michael Gove

**NC10**

To move the following Clause:—

‘The Commissioners for Her Majesty’s Revenue and Customs may incur expenditure in preparing for the introduction of a scheme for providing assistance in respect of the costs of childcare.’.

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**Children and Families Bill, *continued***
*Regulation of child performance*

Tim Loughton  
Meg Munn

NC3

To move the following Clause:—

- (1) In section 37 of the Children and Young Persons Act 1963 (Restriction on persons under 16 taking part in public performances, etc.) the words “under the compulsory school leaving age” shall be inserted after the word “child” in subsection (1).
- (2) After subsection (2) there shall be inserted—
  - “(2A) In this section, “Performance” means the planned participation by a child aged under the compulsory school leaving age in a public entertainment production, unless that participation—
    - (a) involves risks that are no greater than the risks faced by that child in the ordinary course of his life and does not require the child to be absent from school or requires an absence from school of not more than four days in a six month period and such absence is authorised by the school;
    - (b) involves the child doing that which he would do in any event in the ordinary course of his life; or
    - (c) involves the creation of audio-visual content where there is an overriding public interest in the child’s participation.”.
- (3) Subsection (3)(a) of that section shall be repealed.
- (4) After subsection (5) of that section there shall be inserted—
  - “(5A) Regulations under this section shall provide for the local authority to give reasons for any refusal of a licence under this section and shall specify any mitigating action which would be required to allow a licence to be issued.
  - (5B) A refusal of a local authority to grant a licence may be reversed on appeal.”.
- (5) Subsection (6) of that section shall be repealed.
- (6) After subsection (7) the following shall be inserted—
  - “(7A) A licence granted by a local authority shall be transferrable to another local authority if the child moves residence from one local authority area to another.”.
- (7) Section 38 of the Act (Restriction on licences for performances by children under 14) shall be repealed.
- (8) After section 39 of the Act, there shall be inserted—

**“39A Presumption that a licence should be issued**

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

**Children and Families Bill, *continued***

- (c) “wellbeing” includes the physical, mental and emotional condition and interests of the child.

**39B Guidance**

- (1) The Secretary of State shall issue guidance to local authorities on the criteria for issuing licences and the conditions which shall apply to them; and this guidance may make different provision for children falling within different age bands applicable to their development age.
  - (2) Guidance shall include a requirement for the local authority’s decision to be based on an assessment of the risks involved in the child’s participation in the performance.
  - (3) Guidance shall include the safeguarding arrangements which shall be made in regard to participation in sporting activities; and in drawing up this guidance the Secretary of State shall consult sports governing bodies.
  - (4) Guidance shall require the local authority, in considering the terms on which a licence is issued, to have regard to the number of days actually worked spread across a particular period.
  - (5) Guidance shall require local authorities to provide for on-line applications for licences, to deal with all licences in time if submitted at least 10 days before they are to come into effect, or five days in respect of a repeated application.
  - (6) Guidance shall provide for local authorities to inspect sites where children taking part in performances are to be accommodated, if they will be residing alongside unconnected adults.
  - (7) Guidance shall provide for local authorities to disregard absence in connection with licensed performances in school records for authorised absences.
  - (8) Guidance shall provide that local authorities shall require that matrons or chaperones shall operate under standards accepted by the appropriate advisory bodies.
  - (9) Guidance shall also include the circumstances in which it is appropriate to authorise a body of persons to organise a performance for which licences will not be required by virtue of section 37(3)(b) of this Act, including where the performers are of 13 years or upwards or if the body is an amateur body and has a nominated child protection person who has received appropriate training and is independent of the chaperone.
  - (10) Guidance under this section shall be laid before Parliament and shall be subject to annulment in pursuance of a resolution of either House of Parliament as if it were contained in a statutory instrument subject to such annulment.”.
- (9) Clause 42 of the Act (Licences for children and young persons performing abroad) shall be amended by inserting after subsection (1)—
- “(1A) Licences under section 25 of the principal Act in relation to performances as defined under this Act shall be issued by local authorities rather than as specified in the principal Act.”.
- (10) In subsection (2) of that section the words after the word “granted” shall be replaced by the words “regardless of the age of the child”.
- (11) In the Children (Performances) Regulations 1968 (SI 1968/1728)—

**Children and Families Bill, *continued***

- (a) In Regulation 8 (Medical examinations) in paragraph (2), the words “performance taking place within a period of six months from the date of the said medical examination” shall be replaced by the words “later performance”.
- (b) At the end of Regulation 10 (Education) there shall be inserted—
- “(6) The child’s parents or guardians must inform the child’s school of any days on which the child will be absent by reason of taking part in performances.”.
- (c) In Regulation 12(3) (maximum number of other children a matron shall have charge of), “eleven” shall be replaced by “nine”.
- (d) At the end of Regulation 12 (Matrons) there shall be inserted—
- “(7) A matron in respect of a performance organised by an amateur body who is unpaid shall not require local authority approval provided that he or she is CRB-checked and is independent of the nominated child protection person.”.
- (e) Regulation 17 (Further medical examinations) shall cease to have effect.’.

*Continuing support for former foster children*

Paul Goggins  
Mr Robert Buckland  
Annette Brooke  
Ann Coffey  
Mr Elfyn Llwyd  
Mark Durkan

Mr David Blunkett  
Mr John Leech  
Mr Clive Betts  
Jim Shannon  
Mr Tom Clarke

Mike Weatherley  
Hazel Blears  
Mr David Anderson  
Nic Dakin  
Andrea Leadsom

Meg Munn  
Katy Clark  
Mr George Howarth  
Alex Cunningham  
Jenny Chapman

**NC4**

To move the following Clause:—

‘Section 23C of the Children Act 1989 (*continuing functions in respect of former relevant children*) is amended by the insertion of the following subsections after subsection (5).

- “(5ZA) The assistance given under subsection (4)(c) shall include the continuation of accommodation with the former local authority foster parent, unless—
- (a) the former relevant child states that he or she does not wish to continue residing in such accommodation, or
- (b) the former local authority foster parent does not wish to continue to provide accommodation, or
- (c) it is not reasonably practicable to arrange such accommodation.
- (5ZB) ‘Former local authority foster parent’ means a local authority foster parent within the meaning of section 22C(12) with whom the former

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**Children and Families Bill, *continued***

relevant child, as a looked after child, was placed under section 22C(6)(a) or (b).”.

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*Assessment and support of young carers*

Mr Robert Buckland  
 Barbara Keeley  
 Paul Burstow  
 Mrs Sharon Hodgson  
 Annette Brooke

**NC5**

To move the following Clause:—

- ‘(1) Where it appears to a local authority that a child within their area may provide or be about to provide care to an adult or a child who is disabled, the authority must—
    - (a) assess whether the child has needs for support relating to their caring role (or is likely to have such needs in the future); and
    - (b) if the child is found to have such needs, set out what those needs are (or are likely to be in the future).
  - (2) Having carried out an assessment under subsection (1) the authority must meet those needs for support which it considers to be necessary to meet in order to safeguard and promote the child’s welfare.
  - (3) Having carried out an assessment under subsection (1), a local authority must also consider whether the adult is or may be eligible for assessment under the Care Act 2013, and if so must ensure such an assessment is carried out unless that adult objects.
  - (4) Having carried out an assessment under subsection (1) a local authority must consider whether, in the case of a child who is caring for a disabled child, the child being cared for requires an assessment under the Children Act 1989 and if so shall carry out that assessment unless the person with parental responsibility for that child objects.
  - (5) The Secretary of State shall issue guidance in relation to the duties set out above having consulted with persons whom the Secretary of State considers to be appropriate, the said guidance to be issued under section 7 of the Local Authority Social Services Act 1970.
  - (6) Any service provided by an authority in the exercise of functions conferred on them under this section may be provided for the family or for any member of the child’s family, and may include—
    - (a) services to the adult the child is providing care to meet the adult’s needs for care and support; and
    - (b) services to the adult to enhance their parenting capacity.
 If such services are provided with a view to safeguarding and promoting the child’s welfare.’.
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**Children and Families Bill, *continued***
*Staff to child ratios: Ofsted-registered childminder settings*

Mrs Sharon Hodgson  
 Lisa Nandy  
 Stephen Twigg

NC6

To move the following Clause:—

- (1) This section applies to Ofsted-registered childminder settings.
- (2) The ratio of staff to children under the age of eight must be no less than one to six, where—
  - (a) a maximum of three children may be young children;
  - (b) a maximum of one child is under the age of one.
- (3) Any care provided by childminders for older children must not adversely affect the care of children receiving early years provision.
- (4) If a childminder can demonstrate to parents, carers and inspectors, that the individual needs of all the children are being met, then in addition to the ratio set out in subsection (2), they may also care for—
  - (a) babies who are siblings of the children referred to in subsection (2), or
  - (b) their own baby.
- (5) If children aged between four and five years only attend the childminding setting outside of normal school hours or the normal school term time, they may be cared for at the same time as three other young children, provided that at no time the ratio of staff to children under the age of eight exceeds one to six.
- (6) If a childminder employs an assistant or works with another childminder, each childminder or assistant may care for the number of children permitted by the ratios specified in subsections (2), (4), and (5).
- (7) Children may only be left in the sole care of a childminder's assistant for two hours in a single day.
- (8) Childminders must obtain the permission of a child's parents or carers before that child can be left in the sole care of a childminder's assistant.
- (9) The ratios in subsections (2), (4) and (5) apply to childminders providing overnight care, provided that the children are continuously monitored, which may be through the use of electronic equipment.
- (10) For the purposes of this section a child is—
  - (a) a "young child" up until 1 September following his or her fifth birthday.
  - (b) an "older child" after the 1 September following his or her fifth birthday.'.

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*Staff to child ratios: Ofsted-registered non-domestic childcare settings*

Mrs Sharon Hodgson  
 Lisa Nandy  
 Stephen Twigg

NC7

To move the following Clause:—

- (1) This section applies to Ofsted-registered, non-domestic childcare settings.
- (2) For children aged under two—

**Children and Families Bill, *continued***

- (a) the ratio of staff to children must be no less than one to three;
  - (b) at least one member of staff must hold a full and relevant level 3 qualification, and must be suitably experienced in working with children under two;
  - (c) at least half of all other members of staff must hold a full and relevant level 2 qualification;
  - (d) at least half of all members of staff must have received training in care for babies; and
  - (e) where there is a dedicated area solely for children under two years old, the member of staff in charge of that area must, in the judgement of their employer, have suitable experience of working with children under two years old.
- (3) For children between the ages of two and three—
- (a) the ratio of staff to children must be no less than one to four;
  - (b) at least one member of staff must hold a full and relevant level 3 qualification, and
  - (c) at least half of all other members of staff must hold a full and relevant level 2 qualification;
- (4) Where there is registered early years provision, which operates between 8 am and 4 pm, and a member of staff with Qualified Teacher status, Early Years Professional status or other full and relevant level 6 qualification is working directly with the children, for children aged three and over—
- (a) the ratio of staff to children must be no less than one to 13; and
  - (b) at least one member of staff must hold a full and relevant level 3 qualification.
- (5) Where there is registered early years provision, which operates outside the hours of 8 am and 4 pm, and between the hours of 8 am and 4 pm, where a member of staff with Qualified Teacher status, Early Years Professional status or other full and relevant level 6 qualification is not working directly with the children, for children aged three and over—
- (a) the ratio of staff to children must be no less than one to eight;
  - (b) at least one member of staff must hold a full and relevant level 3 qualification, and
  - (c) at least half of all other staff must hold a full and relevant level 2 qualification;
- (6) In independent schools where—
- (a) a member of staff with Qualified Teacher status, Early Years Professional status or other full and relevant level 6 qualification;
  - (b) an instructor; or
  - (c) a suitably qualified overseas-trained teacher is working directly with the children, for children aged three and over—
    - (i) for classes where the majority of children will reach the age of five or older within the school year, the ratio of staff to children must be no less than one to 30;
    - (ii) for all other classes the ratio of staff to children must be no less than one to 13; and
    - (iii) at least one other member of staff must hold a full and relevant level 3 qualification.
- (7) In independent schools where there is—
- (a) no member of staff with Qualified Teacher status, Early Years Professional status or other full and relevant level 6 qualification;
  - (b) no instructor; or

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**Children and Families Bill, *continued***

- (c) no suitably qualified overseas-trained teacher working directly with the children, for children aged three and over—
  - (i) the ratio of staff to children must be no less than one to eight;
  - (ii) at least one other member of staff must hold a full and relevant level 3 qualification, and
  - (iii) at least one other member of staff must hold a full and relevant level 2 qualification.
- (8) In maintained nursery schools and nursery classes in maintained schools (except reception classes)—
  - (a) the ratio of staff to children must be no less than one to 13;
  - (b) at least one member of staff must be a school teacher as defined by subsection 122(3) [Power to prescribe pay and conditions] of the Education Act 2002 and Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003; and
  - (c) at least one other member of staff must hold a full and relevant level 3 qualification.
- (9) The Secretary of State may make provision in statutory guidance to—
  - (a) define qualifications as “full and relevant”; and
  - (b) define “suitable experience” for those working with children under two.
- (10) If HM Chief Inspector of Education is concerned about the quality of provision or the safety and well-being of children in a setting he may impose different ratios.’.

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*Support for children with specified health conditions*

Mr Adrian Sanders  
 Bob Stewart  
 Pauline Latham  
 Mrs Sharon Hodgson  
 Mr Jim Cunningham

**NC8**

To move the following Clause:—

- ‘(1) The governing body of a mainstream school has a duty to produce and implement a medical conditions policy that defines how it plans to support the needs of children with specified health conditions.
- (2) The medical conditions policy must include provision about—
  - (a) the means by which records of the specified health conditions of children at the school are to be recorded and maintained; and
  - (b) the preparation of an individual healthcare plan for each child with a specified health condition which sets out the needs of that child arising from that condition.
- (3) The medical conditions policy must include requirements relating to the provision of appropriate training for school staff to support the implementation of individual healthcare plans.
- (4) In preparing an individual healthcare plan the governing body must—
  - (a) consult the parent of the child concerned and, where appropriate, the child about the contents of the plan; and



**Children and Families Bill, *continued***

- (b) there shall be a duty on NHS bodies to co-operate with the governing body in its preparation and implementation of individual healthcare plans.
- (5) Local authorities and clinical commissioning groups must co-operate with governing bodies in fulfilling their functions under this Act.
- (6) The Secretary of State may by regulations define “specified health conditions” for the purposes of this section.
- (7) For the purposes of this section “NHS bodies” has the same meaning as in the Health and Social Care Act 2012.’.

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*General duty of local authorities to co-operate to secure sufficient accommodation for looked after children*

Tim Loughton [R]  
Ann Coffey

**NC11**

To move the following Clause:—

- ‘(1) The Children Act 1989 is amended as follows.
- (2) After section 22G (General duty of local authority to secure sufficient accommodation for looked after children), insert the following new section:

**“22H General duty of local authorities to co-operate to secure sufficient accommodation for looked after children**

- (1) It is the general duty of a local authority to take steps in co-operation with neighbouring local authorities that secure, so far as reasonably practicable, the outcomes in subsections (2) and (3).
- (2) The first outcome applies to the children defined in subsection (3) of section 22G in respect of whom the local authority are unable to secure the outcome defined in subsection (2) of that section.
- (3) The first outcome is that the local authority is able to secure accommodation for those children that—
  - (a) is within a neighbouring authority’s area; and
  - (b) meets the need of those children.
- (4) The second outcome applies to the children defined in subsection (3) of section 22G in respect of whom a neighbouring local authority is unable to secure the outcome defined in subsection (2) of that section.
- (5) The second outcome is that the local authority is able to secure accommodation for those children that—
  - (a) is within the authority’s area; and
  - (b) meets the need of those children.”’.

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**Children and Families Bill, *continued***
*General duty of local authority to secure sufficient early help services*

Tim Loughton [R]  
Andrea Leadsom

**NC12**

To move the following Clause:—

- ‘(1) It is the general duty of a local authority to take steps that secure, so far as reasonably practicable, the outcome in subsection (2).
- (2) The outcome is that the local authority is able to provide the children and young people mentioned in subsection (3) and their families with provision of early help services that—
  - (a) are within the authority’s area or a neighbouring authority’s area; and
  - (b) meet the needs of those children and young people and their families.
- (3) The children and young people referred to in subsection (2) are those—
  - (a) who live within the local authority’s area, or
  - (b) that the local authority is looking after.
- (4) In this section—
  - “early help services” means services to children under 6 and their families, and services to children and young people (of whatever age) and their families early in the emergence of a problem;
  - “young people” means people under 25.’.

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*Duty of local safeguarding children boards to undertake serious reviews*

Tim Loughton  
Ann Coffey

**NC13**

To move the following Clause:—

- ‘(1) Section 14 of the Children Act 2004 (Functions and procedure of Local Safeguarding Children Boards) is amended as follows.
- (2) After subsection (2), insert—
  - “(2A) Functions of review under subsection (2) shall include a duty to undertake serious case reviews at the direction of the Secretary of State.”’.

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*Part-time independent educational institutions to have no right to give corporal punishment*

Tim Loughton  
Meg Munn  
Ann Coffey

**NC14**

To move the following Clause:—

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**Children and Families Bill, *continued***

- (1) Schedule 1 to the Education and Skills Act 2008 (Minor and consequential amendments) is amended as follows.
- (2) In sub-paragraph (5) of paragraph 9, insert the following words at the end of inserted subsection (7B):
  - “except that it applies in relation to this section as if for paragraphs (a) and (b) of subsection (2) of section 92 of that Act there were substituted the following words “for any amount of time during an academic year, no matter how little”.”.

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*Return from care*

Tim Loughton [R]

**NC15**

To move the following Clause:—

- (1) The Children Act 1989 is amended as follows.
- (2) After section 22C (Ways in which looked after children are to be accommodated and maintained), insert the following new section:

**“22CA Return home support services for looked after children returning home to the care of their parents/others with parental responsibility**

- (1) Whenever a local authority decides that a looked after child should return to the care of its parent, the local authority must assess and monitor the support needs of the child and the parent for as long as is necessary to safeguard and promote the child’s welfare.
- (2) If after carrying out an assessment in accordance with subsection (1) above, the local authority decides that the child or the parent has support needs, they must provide a child in care, and, in the case of formerly-accommodated children, offer to provide, ‘return home support services’ to meet the identified support needs for as long as is necessary to safeguard and promote the child’s welfare.
- (3) Whenever the local authority provides ‘return home support services’ under subsection (2) above, they must prepare a personal budget if asked to do so by the parent or the child, with a view to the recipient being involved in agreeing and securing those services.”.

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*Provision of further assistance to care leavers up to the age of 25*

Craig Whittaker  
 Bill Esterson  
 Annette Brooke  
 Ann Coffey

**NC16**

To move the following Clause:—

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**Children and Families Bill, *continued***

- (1) Section 23CA of the Children Act 1989 (Further assistance to pursue education or training) is amended as follows.
  - (2) At the end of the section heading insert “or for welfare purposes”.
  - (3) In subsection (1)(a), at the end, insert “and”.
  - (4) In subsection (1)(b), omit the last “and”.
  - (5) Omit subsection (1)(c).
  - (6) In subsection (4), after “training”, insert “or welfare”.
  - (7) In subsection (5)(a), omit the last “or”.
  - (8) In subsection (5)(b), after “training”, insert “or welfare”.
  - (9) At the end of subsection (5), add the following new paragraphs—
    - “(c) providing advice and support in relation to his welfare; or
    - (d) making a grant in exceptional circumstances to enable him to meet expenses connected with his welfare.”.
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*Amendments to the Health Act 2006*

Alex Cunningham  
 Nia Griffith  
 Mr Virendra Sharma  
 Andy McDonald  
 Grahame Morrice  
 Jim Dowd

Bill Esterson  
 Paul Flynn

Mr George Mudie  
 Lindsay Roy

Debbie Abrahams

**NC17**

To move the following Clause:—

- (1) The Health Act 2006 is amended as follows.
- (2) After section 8, insert—
  - “8A Offence of failing to prevent smoking in a private vehicle when children are present**
  - (1) It is the duty of any person who drives a private vehicle to ensure that the vehicle is smoke-free whenever a child or children under the age of 18 are in such vehicle or part of such vehicle.
  - (2) A person who fails to comply with the duty in subsection (1) commits an offence.
  - (3) A person convicted of an offence under this section is liable on summary conviction to a fine of £60.
  - (4) The Secretary of State may introduce regulations to alter the level of penalty payable under subsection (3).
  - (5) The Secretary of State shall update all relevant regulations regarding the offence created under subsection (2) within six months of this section coming into force.

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**Children and Families Bill, *continued***

- (3) In section 79(4)(a), leave out “or 8(7)” and insert “, 8(7), or 8A(4).”.’.

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*Review of impact of under-occupancy penalty on prospective adopters, prospective special guardians and foster parents*

Lisa Nandy  
 Stephen Twigg  
 Mrs Sharon Hodgson

**NC18**

To move the following Clause:—

‘Before the end of one year beginning with the day on which this Act receives Royal Assent, the Secretary of State must—

- (a) carry out a review of the impact of the housing under-occupancy penalty on prospective adopters, prospective special guardians and foster parents, and
- (b) publish a report of the conclusions of the review.’.

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*Arrangements to support child witnesses*

Lisa Nandy  
 Stephen Twigg  
 Mrs Sharon Hodgson

**NC19**

To move the following Clause:—

- ‘(1) The Secretary of State shall by order introduce arrangements to establish specialist courts in cases where a child has been sexually abused or harmed, and where the child will be required to give evidence to the court, and to be examined by the court.
- (2) Arrangements made by order under subsection (1) above shall include arrangements to appoint intermediaries to support child witnesses in all court cases, and other measures to support child witnesses.’.

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*Personal, social and health education in maintained schools*

Lisa Nandy  
 Mrs Sharon Hodgson  
 Stella Creasy  
 Diana Johnson  
 Caroline Lucas

**NC20**

To move the following Clause:—

**Children and Families Bill, *continued***

- (1) In section 84(3) of the Education Act 2002 (curriculum foundation subjects for the first, second and third key stages), after paragraph (g) there is inserted—
- “(ga) personal, social and health education”.
- (2) In section 85(4) of the Education Act 2002 (curriculum foundation subjects for the fourth key stage), at the end there is inserted “, and
- (d) personal, social and health education.”
- (3) In section 74(1) of the Education and Inspections Act 2006, which (when brought into force) will substitute a new section 85 in the Education Act 2002, in subsection (4) of that substituted section (foundation subjects for the fourth key stage), at the end there is inserted “, and
- (d) personal, social and health education.”
- (4) Before section 86 of the Education Act 2002 there is inserted—

**“85B Personal, social and health education**

- (1) For the purposes of this Part, personal, social and health education (“PSHE”) shall include sex and relationship education, including information about same-sex relationships, sexual violence, domestic violence and sexual consent.
- (2) The National Curriculum for England is not required to specify attainment targets or assessment arrangements for PSHE (and section 84(1) has effect accordingly).
- (3) The Secretary of State for Education shall set out guidance to schools and colleges to ensure that a coherent approach to personal, social, health and economic education is developed, including between primary and secondary schools.
- (4) It is the duty of the governing body and head teacher of any school in which PSHE is provided in pursuance of this Part to secure that guidance issued under subsection (3) is followed and that—
- (a) information presented in the course of providing PSHE should be accurate and balanced;
- (b) PSHE is taught in a way that is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and reflects a reasonable range of religious, cultural and other perspectives;
- (c) PSHE is taught in a way that endeavours to promote equality, celebrate diversity, and emphasise the importance of both rights and responsibilities.
- (5) In the exercise of their functions under this Part so far as relating to PSHE, a local authority, governing body or head teacher shall have regard to any guidance issued from time to time by the Secretary of State.”.
- (5) Section 403 of the Education Act 1996 (sex education: manner of provision) is amended as set out in subsections (6) to (9).
- (6) In subsection (1), for the words from the beginning to “at a maintained school” there is substituted “The governing body or other proprietor of any school to which this section applies, and its head teacher, must take such steps as are reasonably practicable to ensure that sex and relationships education is given to registered pupils at the school and that”.
- (7) After that subsection there is inserted—
- “(1ZA) The schools to which this section applies are—

**Children and Families Bill, *continued***

- (a) maintained schools;
- (b) city technology colleges;
- (c) city colleges for the technology of the arts;
- (d) Academies.

A reference in this section or section 404 to the governing body of a school, in relation to a school within paragraph (b), (c) or (d), shall be read as a reference to the proprietor of the school.”.

- (8) In subsection (1A)—
  - (a) for “when sex education is given to registered pupils at maintained schools” there is substituted “when sex and relationships education is given to registered pupils at schools to which this section applies”;
  - (b) in paragraph (a), after “, and” there is inserted “learn the nature of civil partnership and the importance of strong and stable relationships.”;
  - (c) paragraph (b) is omitted.
- (9) In subsection (1C), for “sex education” there is substituted “sex and relationships education”.
- (10) In section 579 of the Education Act 1996 (general interpretation), in the definition of “sex education” in subsection (1)—
  - (a) for “sex education” there is substituted “sex and relationships education”;
  - (b) at the end there is inserted “but does not include education about human reproduction provided as part of any science teaching.”.
- (11) For section 405 of the Education Act 1996 there is substituted—

**“405 Exemption from sex and relationships education**

- “(1) If a pupil of sufficient maturity in attendance at a school to which section 403 applies requests to be wholly or partly excused from receiving sex and relationships education at the school, the pupil shall be so excused accordingly until the request is withdrawn.
- (2) The Secretary of State must in regulations define “sufficient maturity”.
- (3) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) The Secretary of State must lay draft regulations before Parliament before the end of the period of 3 months beginning with the day on which this Act is passed.”.

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*Inclusive and accessible education, health and social care provision*

Mr Robert Buckland  
 Mrs Sharon Hodgson  
 Mr Virendra Sharma

**NC21**

To move the following Clause:—

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**Children and Families Bill, *continued***

- ‘(1) In exercising a function under Part 3, a local authority and NHS bodies in England must promote and secure inclusive and accessible education, health and social care provision to support children, young people and their families.
  - (2) Regulations will set out requirements on an authority and its partner NHS commissioning bodies to promote and secure inclusive and accessible education, health and social care provision in its local area, in particular through—
    - (a) the planning;
    - (b) the design;
    - (c) the commissioning or funding;
    - (d) the delivery; and
    - (e) the evaluation of such services.’
- 

*Information sharing about live births*

Andrea Leadsom  
 Craig Whittaker  
 Mrs Sharon Hodgson  
 Paul Burstow  
 Mr Frank Field

**NC22**

To move the following Clause:—

- ‘(1) NHS trusts should make arrangements to share with local authorities records of live births to parents resident in their area, to be used by the local authority for the purposes of identifying and contacting new families through children’s centres and any other early years outreach services it may operate.
  - (2) The Secretary of State must, within a period of six months of Royal Assent to this Act, bring forward regulations placing consequential requirements on trusts and local authorities in exercising their duty under subsection (1), including, but not limited to—
    - (a) the format of arrangements made;
    - (b) the safeguarding of information;
    - (c) the circumstances in which it would not be appropriate for a trust to provide information to local authorities;
    - (d) the regularity of data transfers;
    - (e) timescales within which a local authority must contact new families made known to it; and
    - (f) any further requirements the Secretary of State deems necessary.
  - (3) Local authorities must establish a pilot scheme to trial the registration of births within children’s centres, and evaluate the effectiveness of the scheme to—
    - (a) identify and contact new families; and
    - (b) enable children’s centres to reach more families, in particular those with children under the age of two, or who the local authority consider—
      - (i) hard to reach, or
      - (ii) vulnerable.’
-



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**Children and Families Bill, *continued***

*Allowances payable to self-employed adoptive parents*

Valerie Vaz

**NC23**

To move the following Clause:—

‘The Secretary of State shall conduct an analysis of the potential costs, benefits and desirability of providing for adoptive parents who are self-employed or in receipt of welfare benefits to receive a weekly payment during the adoption pay period equivalent to the maternity allowance paid to new parents whose children are born to them.’.

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*Publication of information relating to Special Educational Needs tribunal cases*

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

**NC24**

To move the following Clause:—

- ‘(1) The Secretary of State must collect information on all cases related to special educational needs which are considered by the Tribunal Service, including—
- (a) the local authority involved;
  - (b) the cost to the Tribunal Service;
  - (c) the amount spent by the local authority on fighting each case;
  - (d) the nature of each case; and
  - (e) the outcome of each case.
- (2) The Secretary of State must collate and publish information collected in the exercise of his functions under subsection (1) once a year.
- (3) The following bodies must make arrangements to provide such information to the Secretary of State as is necessary to enable him to perform his functions under this section—
- (a) the Tribunal Service;
  - (b) local authorities.’.

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*Health bodies: duties with respect to young carers*

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy  
Barbara Keeley

**NC25**

To move the following Clause:—

- ‘(1) In exercising their general functions health bodies must—
- (a) promote and safeguard the well-being of young carers;

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**Children and Families Bill, *continued***

- (b) ensure that effective procedures exist to identify patients who are or are about to become carers;
  - (c) ensure that effective procedures exist to identify patients who it may be reasonably assumed may be receiving care from a child or young person for whom they are responsible;
  - (d) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and
  - (e) ensure that systems are in place to ensure that the relevant general medical services are rendered to their patients who are young carers, or to the young carers of their patients.
- (2) In relation to paragraphs (1)(b), (c) and (d), the Secretary of State may by regulations further provide for the strategies to be developed.’
- 

*Schools: duties with respect to young carers*

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy  
Barbara Keeley

**NC26**

To move the following Clause:—

- ‘(1) The appropriate authorities of schools must ensure that, within 12 months of the passing of this Act, they take all reasonable steps to ensure that there is in place a policy which—
    - (a) identifies young carers within the school; and
    - (b) makes arrangements for the provision within school of appropriate support to promote the well-being and improve the educational attainment of pupils who are young carers.
  - (2) In discharging its duty under subsection (1), where appropriate the authority must—
    - (a) consult with the family of the child or young person identified, or the young person themselves;
    - (b) involve the local authority in which the identified pupil is ordinarily resident;
    - (c) refer the identified pupil to additional services outside the school;
    - (d) have regard to any guidance given from time to time by the Secretary of State.
  - (3) The “appropriate authority” for a school is—
    - (a) in the case of a maintained school, the governing body;
    - (b) in the case of an academy, the proprietor;
    - (c) in the case of a pupil referral unit, the management committee.’
-

**Children and Families Bill, *continued***

*Further and higher educational institutions: duties with respect to student carers*

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy  
Barbara Keeley

**NC27**

To move the following Clause:—

- ‘(1) The responsible body of an institution to which this section applies must, within 12 months of the passing of this Act, identify or make arrangements to identify student carers and have a policy in place on promoting the well-being of student carers.
- (2) This section applies to—
  - (a) a university;
  - (b) any other institution within the higher education sector;
  - (c) an institution within the further education sector.
- (3) A responsible body is—
  - (a) in the case of an institution in paragraphs (2)(a) or (b), the governing body;
  - (b) in the case of a college of further education under the management of a board of management, the board of management;
  - (c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.
- (4) In discharging its duty under subsection (1), where appropriate the authority must—
  - (a) consult with the family of the child or young person identified, or the young person themselves;
  - (b) involve the local authority in which the identified pupil is ordinarily resident;
  - (c) refer the identified student to additional services outside of the institution; and
  - (d) have regard to any guidance given from time to time by the Secretary of State.’.

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*Vicarious liability of local authorities for the acts of foster parents*

John Mann

**NC28**

★ To move the following Clause:—

- ‘(1) A local authority is vicariously liable for any tort committed by a foster parent where:
  - (a) that foster parent has had a child placed into their care by that local authority; and
  - (b) their tortious act or omission has resulted in harm to that child.

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**Children and Families Bill, *continued***

- (2) The vicarious liability established by subsection (1) is deemed always to have had effect.’.
- 

*Children’s Commissioner to report on children between zero and two years old*

Mr Frank Field  
Andrea Leadsom

**NC29**

★ To move the following Clause:—

‘As soon as possible after the end of each financial year the Children’s Commissioner must make a report on the exercise of his functions during that year in relation to children between the ages of zero and two; what he has found in the course of exercising those functions during that year; and the matters he intends to consider or research in the next financial year.’.

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Lisa Nandy  
Stephen Twigg  
Mrs Sharon Hodgson

**33**

Clause 1, page 1, leave out line 9 and insert ‘satisfied that C should be placed for adoption—’.

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Lisa Nandy  
Stephen Twigg  
Mrs Sharon Hodgson

**34**

Clause 2, page 1, line 15, at end insert—  
‘(1A) In subsection (4), after paragraph (f) insert—  
“(g) the child’s religious persuasion, racial origin and cultural and linguistic background, although this paragraph does not apply to an adoption agency in Wales, to which subsection (5) instead applies.”’.

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Tim Loughton [R]

**2**

Clause 3, page 2, line 22, at end insert—  
‘(1A) The Secretary of State may require local authorities to make arrangements with adoption agencies to compensate them for the cost of recruiting approved prospective adopters.’.

**Children and Families Bill, *continued***

Tim Loughton [R]  
Meg Munn

29

Clause 3, page 2, line 22, at end insert—

‘(1A) Directions under subsection (1) may not be given before May 2017, being five years after the introduction of adoption scorecards.’.

Tim Loughton [R]

3

Clause 3, page 2, line 32, leave out paragraph (c).

Secretary Michael Gove

9

Clause 6, page 5, line 9, at end insert—

‘() In section 129 (disclosure of information), in subsection (2)(a) after “suitable for adoption” insert “or for whom a local authority in England is considering adoption”.’.

Secretary Michael Gove

16

Clause 8, page 8, line 42, at end add—

‘(12) In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services)—

(a) in paragraph 12(9) (victims of domestic violence and family matters), in the definition of “family enactment” after paragraph (o) insert—

“(p) section 51A of the Adoption and Children Act 2002 (post-adoption contact orders).”, and

(b) in paragraph 13(1) (protection of children and family matters) after paragraph (f) insert—

“(g) orders under section 51A of the Adoption and Children Act 2002 (post-adoption contact).”’.

Bill Esterson  
Craig Whittaker

31

Clause 9, page 9, line 8, at end insert ‘and section 23B (8A) and monitoring and evaluating the effectiveness of that local authority in discharging its duties under section 23C (4B) and section 23CA and advising them on ways to improve.’.

Bill Esterson  
Craig Whittaker

32

Clause 9, page 9, line 11, at end add—

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**Children and Families Bill, *continued***

‘(2) In the Children Act 1989, in section 23B after subsection (8) insert—

“(8A) The duty of local authorities under subsection (8) to safeguard and promote the child’s welfare, includes in particular a duty to promote the child’s educational achievement.”.’.

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Jeremy Corbyn

Clause 10, page 9, line 16, at end insert ‘unless in the view of the court it is unreasonable to do so’.

**49**

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Lisa Nandy  
Stephen Twigg  
Mrs Sharon Hodgson

Clause 11, page 10, line 10, at end insert—

‘(2B) “Involvement” is any kind of direct or indirect involvement that promotes the welfare of the child. It shall not be taken to mean any particular division of a child’s time.’.

**35**

Jeremy Corbyn

Clause 11, page 10, line 10, at end insert—

‘(2B) Involvement shall mean, but is not limited to, direct contact with a child by any means including supervised contact, indirect contact with a child by any means including letters or telephone or receiving information about a child from the other parent or a third party.’.

**50**

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Jeremy Corbyn

Clause 12, page 10, line 35, at end add—

‘(5) A child arrangements order that provides for a child to reside with a particular person is to be interpreted as granting rights of custody to that person.’.

**51**

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Meg Munn  
Ann Coffey  
Bill Esterson

Clause 14, page 13, line 8, after ‘issued’, insert ‘unless the court considers it necessary in order to safeguard or promote the child’s welfare to permit additional time for the disposing of the application.’.

**5**

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Children and Families Bill, *continued*

Jeremy Corbyn

52

Clause 14, page 13, line 8, after ‘issued’, insert ‘unless in the view of the court it would be in the best interests of the child to set a different timetable’.

Meg Munn  
Ann Coffey  
Bill Esterson

6

Clause 14, page 13, line 45, at end insert ‘or, having taken into consideration the safeguarding and promotion of the child’s welfare, following evidence presented to the court relating to a planned programme of intervention, such longer time period as the court deems appropriate.’.

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Lisa Nandy  
Stephen Twigg  
Mrs Sharon Hodgson

36

Clause 15, page 14, line 46, at end insert—

(A1) Section 22 of the Children Act 1989 (general duty of local authority in relation to children looked after by them) is amended as follows.

(B1) In subsection (4), after “proposing to look after,”, insert “including when making any fundamental change to the care plan before or after a care order has been made.”’.

Meg Munn  
Ann Coffey  
Bill Esterson  
Lisa Nandy  
Mrs Sharon Hodgson

7

Clause 15, page 15, line 3, after ‘provisions’, insert ‘and sibling placement arrangements’.

Meg Munn  
Ann Coffey  
Bill Esterson  
Lisa Nandy

8

Clause 15, page 15, line 6, at end insert ‘unless it deems such consideration necessary in assessing the permanence provisions of the section 31A plan for the child concerned and making the care order, taking into account the circumstances of the application and the safeguarding and promotion of the child’s welfare.’.

Jeremy Corbyn

53

Clause 15, page 15, line 6, at end insert ‘but may do so when any matter is brought to the court’s attention by the child’s guardian’.

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**Children and Families Bill, *continued***

Mr Graham Stuart

59

- Clause 19, page 18, line 22, at end add—  
 ‘(e) the right of the parent to make their own arrangements for some or all of the special educational provision under section 7 of the Education Act 1996.’.
- 

Mr Robert Buckland  
Mrs Sharon Hodgson

39

- Clause 21, page 19, line 16, leave out ‘wholly or mainly’.
- 

Mr Graham Stuart

60

- Clause 23, page 19, line 29, leave out ‘may have’ and insert ‘probably has’.

Mr Graham Stuart

61

- Clause 23, page 19, line 32, leave out ‘may have’ and insert ‘probably has’.
- 

Mr Robert Buckland  
Mrs Sharon Hodgson  
Mrs Cheryl Gillan

46

- Clause 27, page 22, line 3, at end insert—  
 ‘(2A) If the education and care provision provided as part of the local offer is deemed insufficient to meet the needs of children and young people under subsection (2), a local authority must—  
 (a) publish these findings;  
 (b) improve that provision until it is deemed sufficient by—  
 (i) those consulted under subsection (3); and  
 (ii) Ofsted.’.
- 

Mr Graham Stuart

62

- Clause 28, page 23, line 29, at end insert ‘;



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Children and Families Bill, *continued*

(n) Parent Carer Forums.’.

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Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

Clause 30, page 24, line 21, leave out ‘it expects to be’ and insert ‘which is’.

66

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

Clause 30, page 24, line 24, leave out ‘it expects to be’ and insert ‘which is’.

67

Caroline Nokes

Clause 30, page 24, line 34, at end insert—

‘(f) arrangements to assist young people and parents in managing a personal budget should they choose one.’.

30

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

Clause 30, page 24, line 39, at end insert ‘, including in online communities.’.

68

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

Clause 30, page 25, line 7, 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 (7A) have been made, the Secretary of State must—

(a) issued 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.’.

69

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Valerie Vaz

Clause 36, page 28, line 21, at end insert—

65

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**Children and Families Bill, *continued***

(1A) A person acting on behalf of a school or a post-16 institution (“A”) must request an EHC needs assessment for a child or young person (“B”) as soon as A becomes aware that B has been diagnosed with epilepsy or a related condition.’

Mr Robert Buckland  
Mrs Sharon Hodgson

Clause 36, page 29, line 20, leave out subsection (10).

40

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Mr Robert Buckland

Clause 37, page 30, line 8, leave out from ‘provision’ to end of line 10 and insert ‘required by the child or young person.’

44

Mr Robert Buckland  
Mrs Sharon Hodgson

Clause 37, page 30, line 13, leave out subsection (4).

41

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Mr Robert Buckland

Clause 38, page 30, line 35, at end insert—  
(g) an institution of higher education which the young person has accepted an offer from.’

45

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Secretary Michael Gove

Clause 41, page 32, line 28, after ‘needs,’ insert—  
(ba) an independent school—  
(i) which has been entered on the register of independent schools in Wales (kept under section 158 of the Education Act 2002), and  
(ii) which is specially organised to make special educational provision for pupils with special educational needs.’

17

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Mr Robert Buckland  
Mrs Sharon Hodgson

Clause 42, page 33, line 6, at end insert—  
(2A) If the plan specifies social care provision, the responsible local authority must secure the specified social care provision for the child or young person.’

37

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Children and Families Bill, *continued*

Mr Graham Stuart

63

Clause 42, page 33, line 13, leave out ‘suitable alternative arrangements’ and insert ‘arrangements suitable to the age, ability, aptitude and special needs of the child or young person and has chosen not to receive assistance with making provision.’.

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Mr Robert Buckland  
Mrs Sharon Hodgson

42

Clause 44, page 34, line 3, leave out subsection (5).

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Mr Robert Buckland  
Mrs Sharon Hodgson

43

Clause 45, page 34, line 37, leave out subsection (4).

Mr Graham Stuart

64

Clause 45, page 34, line 39, at end insert—

‘(4A) A local authority must not cease to maintain an EHC plan on the sole ground that the child or young person is educated otherwise than at school in accordance with section 7 of the Education Act 1996.’.

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Secretary Michael Gove

18

Clause 48, page 36, line 19, at beginning insert ‘Special educational’.

Secretary Michael Gove

19

Clause 48, page 36, line 20, leave out ‘provision’ and insert ‘having been’.

Secretary Michael Gove

20

Clause 48, page 36, line 21, at end insert—

‘(6) Subsection (7) applies if—

- (a) an EHC plan is maintained for a child or young person, and
- (b) health care provision specified in the plan is acquired for him or her by means of a payment made by a commissioning body under section 12A(1) of the National Health Service Act 2006 (direct payments for health care).

(7) The health care provision is to be treated as having been arranged by the commissioning body in pursuance of its duty under section 42(3) of this Act, subject to any prescribed conditions or exceptions.

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**Children and Families Bill, *continued***

- (8) “Commissioning body”, in relation to any specified health care provision, means a body that is under a duty to arrange health care provision of that kind in respect of the child or young person.’.

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

70

Clause 48, page 36, line 21, 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.
- (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).’.

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Secretary Michael Gove

21

Clause 49, page 36, line 28, after ‘authority’, insert ‘in England’.

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Mr Robert Buckland  
Mrs Sharon Hodgson

38

Clause 50, page 37, line 18, at end insert ‘;

- (g) the social care provision specified in an EHC plan;
  - (h) the healthcare provision specified in an EHC plan.’.
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Children and Families Bill, *continued*

Mr Robert Buckland  
Mrs Sharon Hodgson

47

Page 48, line 35, leave out Clause 69.

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Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

71

Clause 65, page 45, line 37, leave out '19' and insert '25'.

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

72

Clause 65, page 46, line 11, leave out '19' and insert '25'.

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Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

73

Clause 67, page 47, line 21, leave out 'such persons as the Secretary of State sees fit' and insert 'publicly, for a period of not less than 90 days'.

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

74

Clause 67, page 47, line 22, leave out 'by them' and insert 'as part of that consultation'.

Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

75

Clause 67, page 47, line 23, 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 it relates must also be laid.

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**Children and Families Bill, *continued***

- (7) No order or draft of an order may be laid until the consultation required by subsection (2) has taken place.’.

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Mr Robert Buckland

Clause 72, page 49, line 46, leave out from ‘education,’ to end of line 1 on page 50. 48

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Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

Clause 73, page 50, line 16, 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’.

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Stephen Twigg  
Mrs Sharon Hodgson  
Lisa Nandy

Page 50, line 29, leave out Clause 75. 77

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Lisa Nandy  
Ian Murray  
Kate Green  
Mrs Sharon Hodgson

Clause 87, page 59, line 9, leave out subsection (8) and insert— 54  
 ‘(8) Regulations under section 75E may provide for the taking of leave under section 75E in a single period, or in non-consecutive periods, or in periods shorter than the period which constitutes, for the employee, a week’s leave.’.

Secretary Michael Gove

Clause 87, page 66, leave out line 34 and insert— 26  
 ‘(b) a person who is an employer or former employer of such a person.  
 (2A) In subsection (2)(b) “employer”, in relation to a person falling within subsection (2)(a) who is an employed earner, includes a person who is a secondary contributor as regards that employed earner.  
 (2B) The conditions as to employment or self-employment that may be specified in provision under section 75E(2) or (5) or 75G(2) or (5) include conditions as to being in employed or self-employed earner’s employment.’.

**Children and Families Bill, *continued***

- (2C) In subsections (2A) and (2B)—
- “employed earner” and “self-employed earner” have the meaning given by section 2 of the Social Security Contributions and Benefits Act 1992, subject for these purposes to the effect of regulations made under section 2(2)(b) of that Act (persons who are to be treated as employed or self-employed earners);
  - “employment”, in the case of employment as an employed or self-employed earner, has the meaning given by section 122 of that Act;
  - “secondary contributor”, as regards an employed earner, means a person who—
    - (a) is indicated by section 7(1) of that Act, as that subsection has effect subject to section 7(2) of that Act, as being a secondary contributor as regards the earner, or
    - (b) is indicated by regulations under section 7(2) of that Act as being a person to be treated as a secondary contributor as regards the earner.’.

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Lisa Nandy  
 Ian Murray  
 Kate Green  
 Mrs Sharon Hodgson

Clause 97, page 91, line 9, after ‘take’, insert ‘reasonable’.

55

Lisa Nandy  
 Ian Murray  
 Kate Green  
 Mrs Sharon Hodgson

Clause 97, page 94, line 6, after ‘take’, insert ‘reasonable’.

56

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Lisa Nandy  
 Ian Murray  
 Kate Green  
 Mrs Sharon Hodgson

Clause 102, page 110, line 36, leave out ‘If an employer allows an employee to appeal’ and insert ‘Where an employee appeals’.

57

Lisa Nandy  
 Ian Murray  
 Kate Green  
 Mrs Sharon Hodgson

Clause 102, page 111, line 19, leave out ‘where the employer allows the employee

58

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**Children and Families Bill, *continued***

to appeal' and insert 'where an employee appeals'.

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Secretary Michael Gove

28

Clause 107, page 113, line 39, at end insert—

- (2) Subsections (3) to (5) apply if section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“the 2012 Act”) comes into force on or before the day on which this Act is passed.
  - (3) Section 85 of the 2012 Act (removal of £5,000 limit on certain fines on conviction by magistrates’ court) applies in relation to the following offences as if the offences were relevant offences (as defined in section 85(3) of that Act)—
    - (a) the offence contained in the new section 51C(4) to be inserted into the Childcare Act 2006 by paragraph 13 of Schedule 4 to this Act;
    - (b) the offence contained in the new section 51F(1) to be inserted into that Act by paragraph 13 of that Schedule;
    - (c) the offence contained in the new section 61D(4) to be inserted into that Act by paragraph 26 of that Schedule;
    - (d) the offence contained in the new section 61G(1) to be inserted into that Act by paragraph 26 of that Schedule;
    - (e) the offence contained in the new section 69C(6) to be inserted into that Act by paragraph 36 of that Schedule;
    - (f) the offence contained in the new section 76B(3) to be inserted into that Act by paragraph 46 of that Schedule.
  - (4) Section 85 of the 2012 Act (removal of £5,000 limit on certain fines on conviction by magistrates’ court) applies in relation to the power in the new section 69A(1)(b) to be inserted into the Childcare Act 2006 by paragraph 35 of Schedule 4 to this Act as if the power were a relevant power (as defined in section 85(3) of the 2012 Act).
  - (5) Regulations described in section 85(11) of the 2012 Act may amend, repeal or otherwise modify a provision of this Act or the Childcare Act 2006.’
- 

Secretary Michael Gove

10

Schedule 1, page 116, leave out lines 5 to 12 and insert—

- “(2A) Regulations may make provision permitting the disclosure of prescribed information entered in the register, or compiled from information entered in the register—
  - (a) to an adoption agency or to a Welsh, Scottish or Northern Irish adoption agency for any prescribed purpose, or
  - (b) for the purpose of enabling the information to be entered in a register which is maintained in respect of Wales, Scotland or Northern Ireland and which contains information about children who are suitable for adoption or prospective adopters who are suitable to adopt a child.”’



**Children and Families Bill, *continued***

Secretary Michael Gove 11  
 Schedule 1, page 116, line 13, after '(4)' insert '—  
 (a) '.

Secretary Michael Gove 12  
 Schedule 1, page 116, line 13, at end insert— ‘, and  
 (b) after “(2)” insert “or (2A)”.’.

Secretary Michael Gove 13  
 Schedule 1, page 116, line 17, at end insert—  
 ‘( ) in paragraph (a) after “(2)” insert “or (2A)”.’.

Secretary Michael Gove 14  
 Schedule 1, page 116, line 21, leave out ‘(2A)(a)’ and insert ‘(2A)’.

Secretary Michael Gove 15  
 Schedule 1, page 116, line 22, leave out ‘after “subsection” insert “(2A)(b) or”’  
 and insert ‘for “to whom information is disclosed under subsection (3)” substitute “in  
 respect of information disclosed under subsection (2A) or (3)”’.

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Secretary Michael Gove 22  
 Schedule 3, page 149, line 25, leave out ‘young person’ and insert ‘person over  
 compulsory school age but under 25’.

Secretary Michael Gove 23  
 Schedule 3, page 151, line 7, at end insert—

*‘Local Government Act 1974 (c. 7)*

61A In Schedule 5 to the Local Government Act 1974 (matters not subject to  
 investigation by Local Commissioners), in paragraph 5(2)(b) for “by section  
 312” substitute “by section 579(1)”.

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

61B (1) In the Disabled Persons (Services, Consultation and Representation) Act 1986,  
 section 5 (disabled persons leaving special education) is amended as follows.

- (2) In subsection (1)—
  - (a) in paragraph (a) after “needs” insert “, or have maintained an EHC  
 plan under section 37 of the Children and Families Act 2013,” and
  - (b) in paragraph (b) after “statement” (in both places) insert “or plan”.
- (3) In subsection (2)—

**Children and Families Bill, continued**

- (a) in paragraph (a) after “statement” insert “, or secure the preparation of an EHC plan,”,
  - (b) in paragraph (b) after “statement” insert “or plan”, and
  - (c) after “making the statement” insert “, securing the preparation of the plan”.
- (4) After subsection (8) insert—
- “(8A) Regulations under section (*Transfer of EHC plans*) of the Children and Families Act 2013 (transfer of EHC plans) may make such provision as appears to the Secretary of State to be necessary or expedient in connection with subsections (1) to (7) of this section.”
- (5) In subsection (9), in paragraph (a) of the definition of “the responsible authority”, after “1996” insert “or (as the case may be) Part 3 of the Children and Families Act 2013”.

*Value Added Tax Act 1994 (c. 23)*

- 61C (1) In Schedule 9 to the Value Added Tax Act 1994, in Part 2 (groups of goods and services the supply of which is exempt from VAT), group 6 (education) is amended as follows.
- (2) In item 5B—
- (a) after paragraph (b) insert—
    - “(ba) aged 19 or over and for whom an EHC plan is maintained,”, and
  - (b) in paragraph (d), after “paragraph” insert “(ba) or”.
- (3) in note (5B), after “item (5B),” insert ““EHC plan” and” and for “has the same meaning” substitute “have the same meanings”.

*School Standards and Framework Act 1998 (c. 31)*

- 61D The School Standards and Framework Act 1998 is amended as follows.
- 61E (1) Section 98 (admission for nursery education or to nursery or special school: children with statements of special educational needs) is amended as follows.
- (2) In subsection (7) after “for whom” insert “EHC plans are maintained under section 37 of the Children and Families Act 2013 or”
  - (3) In the title after “special education needs” insert “or EHC plans”.
- 61F (1) Section 123 (nursery education: children with special educational needs) is amended as follows.
- (2) In subsection (1), for the words from “(except” to the end substitute “to have regard to the provisions of the code of practice issued under section 66 of the Children and Families Act 2013 (in the case of education in England) or section 313(2) of the Education Act 1996 (in the case of education in Wales).”
  - (3) After subsection (1) insert—
    - “(1A) Subsection (1) does not apply in so far as the person in question is already under a duty to have regard to the provisions of the code of practice in question.”
  - (4) In subsection (2)—
    - (a) for “That code of practice” substitute “The code of practice in question”, and
    - (b) after “functions under” insert “Part 3 of the Children and Families Act 2013 or (as the case may be)”.
  - (5) In subsection (3)—

**Children and Families Bill, *continued***

- (a) for “that code of practice” substitute “the code of practice in question”, and
  - (b) after “functions under” insert “Part 3 of the Children and Families Act 2013 or (as the case may be)”.
- (6) In subsection (3A)(b) after “no” insert “EHC plan or”.
- 61G In Part A1 of Schedule 22 (disposals of land in case of foundation, voluntary and foundation special schools in England), in paragraph A23(9), in paragraph (d) of the definition of “children’s services”—
- (a) after “learning difficulty” insert “or disability”, and
  - (b) omit “66”.

*Learning and Skills Act 2000 (c. 21)*

- 61H The Learning and Skills Act 2000 is amended as follows.
- 61I In section 35 (conditions imposed by Welsh Ministers on financial resources provided by them), in subsection (3)(f) omit “139A or”.
- 61J In section 41 (discharge by the Welsh Ministers of certain functions in relation to persons with learning difficulties), in subsection (1)(b) omit “139A or”.

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Schedule 3, page 151, line 8, leave out ‘In the Learning and Skills Act 2000’.

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Schedule 3, page 151, line 10, leave out from beginning to end of line 12 and insert—

‘63 In consequence of the repeals made by paragraphs 61I, 61J and 62—

- (a) omit paragraph 76 of Schedule 1 to the Education and Skills Act 2008;
- (b) section 80 of the Education and Skills Act 2008 is repealed.

*Education Act 2002 (c. 32)*

- 64 The Education Act 2002 is amended as follows.
- 65 In section 92 (pupils with statements of special educational needs: application of National Curriculum for England)—
- (a) for the words from “a statement” to “special educational needs” substitute “an EHC plan maintained for the pupil”,
  - (b) for “the statement” substitute “the plan”, and
  - (c) in the heading for “statements of special educational needs” substitute “EHC plans”.
- 66 (1) Section 94 (information concerning directions under section 93) is amended as follows.
- (2) In subsection (3), for the words from “by virtue of” to the end substitute “and the responsible authority ought to be required to secure an EHC needs assessment for the pupil under section 36 of the Children and Families Act 2013 (or, if an EHC plan is maintained for the pupil, a re-assessment under section 44 of that Act).”
  - (3) In subsection (5), for the words from “consider” to the end substitute “make a determination in respect of the pupil under section 36(3) of the Children and Families Act 2013 (or, if an EHC plan is maintained for the pupil, under that section as it applies to re-assessments by virtue of regulations under section 44 (7)).”

**Children and Families Bill, *continued***

- (4) In subsection (6), for “Part 4 of the Education Act 1996” substitute “Part 3 of the Children and Families Act 2013 (see section 23 of that Act)”.

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 67 (1) Section 36 of the Nationality, Immigration and Asylum Act 2002 (education of children who are residents of accommodation centres) is amended as follows.
- (2) In subsection (3)(b), after “named in” insert “an EHC plan maintained for the child under section 37 of the Children and Families Act 2013 or”.
- (3) In subsection (5), omit the “and” after paragraph (d) and after paragraph (e) insert—
- “(f) sections 33 and 34 of the Children and Families Act 2013 (mainstream education for children with special educational needs), and
- (g) sections 38 and 39 of that Act (EHC plan: request of parent for named school etc).”
- (4) After subsection (5) insert—
- “(5A) The powers of the First-tier Tribunal on determining an appeal under section 50(2)(c) of the Children and Families Act 2013 (appeals against certain aspects of content of EHC plan) are subject to subsection (2) above.”
- (5) In subsection (6), omit “the First-tier Tribunal or”.
- (6) In subsection (7)—
- (a) after “function under this Act” insert “, Part 3 of the Children and Families Act 2013”, and
- (b) in paragraph (a), after “special educational provision” insert “called for by his special educational needs or”.
- (7) In subsection (9), after paragraph (a) insert—
- “(aa) section 36 of the Children and Families Act 2013 (assessment of education, health and care needs: England) shall have effect as if an accommodation centre were a school.”.

*Children Act 2004 (c. 31)*

- 68 In section 10(9) of the Children Act 2004 (co-operation arrangements in respect of children may include arrangements in respect of certain young people), in paragraph (c)—
- (a) after “but under the age of 25” insert “—
- (i) for whom an EHC plan is maintained, or
- (ii) ”, and
- (b) after “learning difficulty” insert “or disability”.

*Education and Inspections Act 2006 (c. 40)*

- 69 In section 16 of the Education and Inspections Act 2006 (consultation before publishing proposals for discontinuance of maintained schools), in subsection (1)(c), after “maintain” insert “an EHC plan or”.

*Education and Skills Act 2008 (c. 25)*

- 70 The Education and Skills Act 2008 is amended as follows.
- 71 In section 4 (meaning of appropriate full-time education or training)—

**Children and Families Bill, *continued***

- (a) in subsection (1)(b), for “learning difficulty” substitute “special educational needs”, and
  - (b) omit subsection (3).
- 72 In section 17 (sharing and use of information held for purposes of support services or functions under Part 1), in subsection (8)(b)—
- (a) for “a learning difficulty” substitute “special educational needs”, and
  - (b) omit the words from “and subsections (6) and (7)” to the end.
- 73 In section 47 (attendance notice: description of education or training)—
- (a) in subsection (5)(b)(ii), for “learning difficulty” substitute “special educational needs”, and
  - (b) omit subsection (6).
- 74 In section 78(1) (Part 2: supplementary), in the definition of “relevant young adult”—
- (a) for “a learning difficulty” substitute “special educational needs (within the meaning given by section 579(1) of the Education Act 1996)”, and
  - (b) omit the words from “and subsections (6) and (7)” to the end.
- 75 In section 132 (providers of independent education or training for 16 to 18 year olds)—
- (a) in subsection (4)(a), for the words from “a statement” to “needs)” substitute “an EHC plan is maintained”,
  - (b) in subsection (4)(b), for “a statement was so” substitute “an EHC plan was”,
  - (c) in subsection (4)(b)(i), after “school” insert “or (if later) the person ceased to be a student at his or her last post-16 institution”,
  - (d) in subsection (4)(b)(ii), after “institution” insert “in England mentioned in subsection (2)”, and
  - (e) in subsection (6), after the definition of “an academic year” insert—  
 ““post-16 institution” has the meaning given by section 72(2) of the Children and Families Act 2013;”.

*Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)*

- 76 The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- 77 In section 83 (power to secure provision of apprenticeship training)—
- (a) in subsection (1)(b), for “are subject to learning difficulty assessment” substitute “for whom an EHC plan is maintained”,
  - (b) in subsection (2)(b), for “learning difficulties” substitute “special educational needs”, and
  - (c) omit subsection (4).
- 78 In section 86 (education and training for persons aged 19 or over etc), in subsection (1)(a), for “who are subject to learning difficulty assessment” substitute “for whom an EHC plan is maintained”.
- 79 In section 87 (learning aims for persons aged 19 or over: provision of facilities), in subsection (3)(a), for “who are subject to learning difficulty assessment” substitute “for whom an EHC plan is maintained”.
- 80 In section 101 (financial resources: conditions), in subsection (5)(f)—
- (a) after “specified in” insert “an EHC plan or”, and
  - (b) omit “139A or”.
- 81 In section 115 (persons with learning difficulties)—

**Children and Families Bill, *continued***

- (a) in subsection (1), for “learning difficulties” substitute “special educational needs”,
  - (b) in subsection (2)(a), for “who are subject to learning difficulty assessment” substitute “for whom an EHC plan is maintained”,
  - (c) omit subsections (3) and (4), and
  - (d) in the title, for “learning difficulties” substitute “special educational needs”.
- 82 In section 129 (general duties of Ofqual)—
- (a) in subsection (2)(b) and (c), for “learning difficulties” substitute “special educational needs”, and
  - (b) omit subsections (9) and (10).

*Academies Act 2010 (c. 32)*

- 83 In section 1 of the Academies Act 2010 (Academy arrangements), omit subsections (7) and (8).

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 84 In paragraph 2 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services: special educational needs)—
- (a) in sub-paragraph (1)(a), after “1996” insert “or Part 3 of the Children and Families Act 2013”, and
  - (b) in sub-paragraph (1)(b), for “sections 139A and” substitute “section”.

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Schedule 7, page 194, line 2, at end insert—

‘40A In section 230 (meaning of “employee”, etc), after subsection (6) there is inserted—

“(7) This section has effect subject to section 75K(2A) and (2C).”’.

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ORDER OF THE HOUSE [25 FEBRUARY 2013]

That the following provisions shall apply to the Children and Families Bill:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 23 April 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

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**Children and Families Bill, *continued***

*Consideration and Third Reading*

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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