



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 4 February 2014

CONSIDERATION OF BILL

CARE BILL, AS AMENDED

NEW CLAUSES

Adult safeguarding access order

Paul Burstow

NC1

To move the following Clause:—

- (1) An authorised officer may apply to a circuit judge authorised by the Court of Protection for an order (an adult safeguarding access order) in relation to a person living in any premises within a local authority's area if the authorised officer has reasonable cause to suspect a third party is preventing access to allow enquiries to be made under section 42.
- (2) The purposes of an adult safeguarding access order are—
 - (a) to enable the authorised officer and any other person accompanying the officer to speak in private with a person suspected of being an adult at risk of abuse or neglect;
 - (b) to enable the authorised officer to assess the mental capacity of a person suspected of being an adult at risk of abuse;
 - (c) to enable the authorised officer to ascertain whether that person is making decisions freely; and
 - (d) to enable the authorised officer properly to assess whether the person is an adult at risk of abuse or neglect and to make a decision as required by section 42(2) on what, if any, action should be taken.
- (3) While an adult safeguarding access order is in force, the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2).
- (4) The authorised circuit judge may make an adult safeguarding access order if satisfied that—
 - (a) the authorised officer has had regard for the general duty in section 1 (Promoting individual wellbeing) in making a decision under subsection (1);

Care Bill, continued

- (b) all reasonable and practicable steps have been taken to obtain access to a person suspected of being an adult at risk of abuse or neglect before seeking an order under this section;
 - (c) the authorised officer has reasonable cause to suspect that a person is an adult who is experiencing or at risk of abuse or neglect;
 - (d) the authorised officer has reasonable cause to suspect that a person is unable to make decisions freely;
 - (e) it is necessary for the authorised officer to gain access to the person in order to make the enquiries needed to inform the decision required by section 42(2) on what, if any, action should be taken;
 - (f) making an order is necessary in order to fulfil the purposes set out in subsection (2);
 - (g) exercising the power of access conferred by the order will not result in the person being at greater risk of abuse or neglect; and
 - (h) all reasonable and practicable steps have been taken to serve notice of the intention to apply for an order on—
 - (i) the person suspected of being an adult at risk of abuse or neglect; and
 - (ii) any relevant third party who the authorised officer has reasonable cause to suspect is preventing access to allow enquiries to be made under section 42 and for the purposes set out in subsection (2);
- (5) An adult safeguarding access order must—
- (a) only be executed once;
 - (b) specify the premises to which it relates;
 - (c) provide that the authorised officer shall be accompanied by a constable; and
 - (d) specify the period for which the order is to be in force.
- (6) An adult safeguarding order may attach other conditions, including—
- (a) specifying restrictions on the time that the power of access conferred by the order may be exercised;
 - (b) providing for the authorised officer to be accompanied by another specified person;
 - (c) requiring notice of the order to be given to the occupier of the premises and to the person suspected of being an adult at risk of abuse; or
 - (d) such other conditions at the authorised circuit judge deems it necessary to attach.
- (7) A constable accompanying the authorised officer may use reasonable force under section 117 of the Police and Criminal Evidence Act 1984 if necessary in the circumstance in order to fulfil the purposes of an adult safeguarding access order set out in subsection (2).
- (8) On entering the premises in accordance with an adult safeguarding access order the authorised officer must—
- (a) state the object of the visit;
 - (b) produce evidence of the authorisation to enter the premises; and
 - (c) provide an explanation to the occupier of the premises of how to complain about —
 - (i) the decision to apply for an order; and
 - (ii) how the order has been exercised.
- (9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section.

Care Bill, continued

- (10) Regulations may set restrictions on the persons or categories of persons who may be authorised.
- (11) Subsections 2(c) and 4(d) refer to a person under constraint, or subject to coercion or undue diligence, or for some other reason deprived of the capacity to make the relevant decision or disabled from making a free choice, or incapacitated or disabled from giving or expressing a real and genuine consent.’

Review of the case for establishing a commissioner for older people in England

Paul Burstow

NC2

To move the following Clause:—

- ‘(1) The Secretary of State shall establish an independent review of the case for establishing a statutory office of Commissioner for Older People in England.
- (2) The review will consider the—
 - (a) increasing diversity of the older population in England;
 - (b) UN Principles for Older Persons in 1991 (UN 1991) and other relevant developments in international policy on ageing;
 - (c) lessons from the establishment of such offices in Wales and Northern Ireland;
 - (d) balance of advocacy, investigatory and enforcement duties and powers to be granted to the office in statute;
 - (e) jurisdiction of the office in relation to other public bodies;
 - (f) relationship of the office to Ministers;
 - (g) accountability of the office to Parliament;
 - (h) appointment of the office holder;
 - (i) human and financial resources necessary to support the office; and
 - (j) any other matters the Secretary of State sets out in the terms of reference of the review.
- (3) The review will report and make recommendations to the Prime Minister, Deputy Prime Minister, Chancellor of the Exchequer and the Secretary of State by December 2014.’

Duty to identify carers

Paul Burstow

NC3

To move the following Clause:—

‘Each NHS body in a local authority’s area, as defined in section 6(8), shall co-operate with the local authority to ensure that effective procedures exist to

Care Bill, continued

identify patients who are or are about to become carers and make arrangements for carers to receive appropriate information and advice.’.

Local authority duty to make reasonable charges

Paul Burstow

NC4

To move the following Clause:—

‘Where a local authority that meets an individual’s needs under sections 18 to 20 of Part 1 of this Act is satisfied that the individual’s means are insufficient for it to be reasonably practicable for the individual to pay the amount which would otherwise be charged, the authority shall not require the individual to pay more for it than it appears to them that it is reasonably practicable to be paid.’.

ORDER OF THE HOUSE [16 DECEMBER 2013]

That the following provisions shall apply to the Care Bill [*Lords*]:*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 4 February 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

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

Other proceedings

8. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
-