House of Commons
NOTICES OF AMENDMENTS
given on
Thursday 16 January 2014

For other Amendment(s) see the following page(s):
Care Bill [Lords] Committee 119-141

PUBLIC BILL COMMITTEE

CARE BILL [LORDS]

Liz Kendall
Mr Jamie Reed

Clause 56, page 49, line 4, at end insert—
‘(8) Where this section applies to a registered care provider, the provider must disclose in full any relevant information that the Care Quality Commission considers it necessary to have in order to make an assessment under subsection (1), including information relating to any holding companies or other associated corporate entities.’.

Liz Kendall
Mr Jamie Reed

Clause 56, page 48, line 39, leave out ‘may’ and insert ‘must’.

Grahame M. Morris

Clause 74, page 65, leave out lines 35 and 36.

Paul Burstow

Clause 56, page 48, line 44, at end add ‘including the charges levied on the provider by other services regulated by the Commission and their impact on the financial sustainability of the provider’s business.’.
Offence of corporate neglect

Paul Burstow

To move the following Clause:—

‘In section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007, insert—

“1A Corporate neglect

(1) An organisation to which this section applies is guilty of an offence if the way in which its activities are managed or organised—

(a) cause a person to suffer abuse or neglect;
(b) amounts to a gross breach of a relevant duty of care owed by the organisation to the person who suffers abuse or neglect; and
(c) the offence under this subsection is called corporate neglect.’.

Adult safeguarding access order

Paul Burstow
Sarah Newton

To move the following Clause:—

‘(1) An authorised officer may apply to a justice of the peace for an order (an adult safeguarding access order) in relation to a person living in any premises within a local authority’s area.

(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 41(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 justice of the peace may make an adult safeguarding access order if satisfied that—

(a) the authorised officer has reasonable cause to suspect that a person is an adult who is experiencing or at risk of abuse or neglect;
(b) 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 41(2) on what, if any, action should be taken;
(c) making an order is necessary in order to fulfil the purposes set out in subsection (2); and
(d) exercising the power of access conferred by the order will not result in the person being at greater risk of abuse or neglect.'
Care Bill [Lords], continued

30  (5) An adult safeguarding access order must—
    (a) specify the premises to which it relates;
    (b) provide that the authorised officer may be accompanied by a constable; and
    (c) specify the period for which the order is to be in force.

35  (6) Other conditions may be attached to an adult safeguarding access order, for example—
    (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; or
    (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.

40  (7) A constable accompanying the authorised officer may use reasonable force if necessary in order to fulfil the purposes of an adult safeguarding access order set out in subsection (2).

45  (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 how the power of access has been exercised.

50  (9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section, but regulations may set restrictions on the persons or categories of persons who may be authorised.

As an Amendment to Paul Burstow’s proposed New Clause (Adult safeguarding access order) (NC3):—

Paul Burstow

Line 20, at end insert—

‘( ) 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;

( ) the authorised officer has had regard for the general duty in section 1 (Promoting individual well-being) in making a decision under subsection (1).’.