NOTICES OF AMENDMENTS

given on

Wednesday 18 December 2013

PUBLIC BILL COMMITTEE

CARE BILL [LORDS]

Norman Lamb

Clause 7, page 8, line 23, leave out subsection (6).

Norman Lamb

Clause 60, page 51, line 37, leave out “Parent” and “carer” each have’ and insert “Carer” has’.

Norman Lamb

Clause 61, page 52, line 20, leave out ‘with “parent” having the meaning given in section 59’.

Norman Lamb

Clause 62, page 53, line 19, at end insert—

(5A) Where, in the case of a carer to whom a child’s carer’s assessment relates, the child becomes 18, the local authority must decide whether to treat the assessment as a carer’s assessment; and if the authority decides to do so, this Part applies to the child’s carer’s assessment as if it were a carer’s assessment that had been carried out after the child had become 18.

(5B) In considering what to decide under subsection (5A), a local authority must have regard to—

(a) when the child’s carer’s assessment was carried out, and

(b) whether it appears to the authority that the circumstances of the carer to whom the child’s carer’s assessment relates have changed in a way that might affect the assessment.’.
Norman Lamb

Clause 63, page 53, line 30, at end insert—

‘(4) “Carer” has the same meaning as in section 61.’.

Norman Lamb

Clause 64, page 54, line 20, leave out subsection (7).

Norman Lamb

Clause 65, page 55, line 40, leave out subsection (9).

Norman Lamb

Clause 67, page 56, leave out lines 43 to 46 and insert—

‘(1) Subsections (2) to (4) apply where a local authority in England providing services for a child in need in the exercise of functions conferred by section 17—

(a) are required by section 59(1) or 64(1) of the Care Act 2014 to carry out a child’s needs assessment or young carer’s assessment in relation to the child, or

(b) are required by section 61(1) of that Act to carry out a child’s carer’s assessment in relation to a carer of the child.’.

Norman Lamb

Clause 67, page 57, line 1, leave out ‘requested’.

Norman Lamb

Clause 67, page 57, line 3, after ‘60(6)’ insert ‘, 62(5A)’.

Norman Lamb

Clause 67, page 57, line 7, leave out ‘requested’.

Norman Lamb

Clause 67, page 57, line 9, after ‘60(6)’ insert ‘, 62(5A)’.

Norman Lamb

Clause 67, page 57, line 15, leave out ‘decide to comply with the request but’.
Clause 67, page 57, line 21, at end insert—

‘(4A) Subsection (5) applies where a local authority in England providing services for a child in need in the exercise of functions conferred by section 17—

(a) receive a request for a child’s needs assessment or young carer’s assessment to be carried out in relation to the child or for a child’s carer’s assessment to be carried out in relation to a carer of the child, but

(b) have yet to be required by section 59(1), 61(1) or 64(1) of the Care Act 2014 to carry out the assessment.’.

Clause 67, page 57, line 38, after first ‘assessment’,” insert “child’s carer’s assessment”.

Clause 67, page 58, leave out lines 11 to 13 and insert—

‘(1) Subsections (2) to (4) apply where a local authority in England making arrangements for a disabled child under section 2 are required by section 59(1) of the Care Act 2014 to carry out a child’s needs assessment in relation to the child.’.

Clause 67, page 58, line 14, leave out ‘requested’

Clause 67, page 58, line 20, leave out ‘requested’

Clause 67, page 58, line 27, leave out ‘decide to comply with the request but’

Clause 67, page 58, line 33, at end insert—

‘(4A) Subsection (5) applies where a local authority in England making arrangements for a disabled child under section 2—

(a) receive a request for a child’s needs assessment to be carried out in relation to the child, but

(b) have yet to be required by section 59(1) of the Care Act 2014 to carry out the assessment.’.

Clause 67, page 59, line 5, leave out subsection (4).
Norman Lamb

Clause 79, page 71, line 18, at end insert—

‘Child’s carer’s assessment’ Section 61(2)
Child’s needs assessment Section 59(2)’.

Norman Lamb

Clause 79, page 71, line 29, at end insert—

‘Parent’ Section 59(6)’.

Norman Lamb

Clause 79, page 72, line 3, at end insert—

“Young carer” Section 64(6)
Young carer’s assessment Section 64(2)”

Rights of appeal

Norman Lamb

To move the following Clause:—

‘(1) In section 26 of the Health and Social Care Act 2008 (registration procedure: notice of proposals), after subsection (4) insert—

“(4A) Where a proposal under subsection (4) names an individual and specifies action that the Commission would require the registered person to take in relation to that individual, the Commission must give that individual notice in writing of the proposal.”

(2) In section 28 of that Act (notice of decisions), in subsection (6), for “subsection (7)” substitute “subsections (7) to (9)”.

(3) In that section, after subsection (7) insert—

“(8) But in a case where notice of the proposal has been given to an individual under section 26(4A) subsection (7) does not apply unless, by the time the Commission receives the applicant’s notification, it has received notification from the individual that he or she does not intend to appeal.

(9) And if the Commission receives notification from the individual after it receives the applicant’s notification and before the end of the period mentioned in subsection (6)(a), the decision is to take effect when the Commission receives the individual’s notification.”’.
Norman Lamb

To move the following Clause:—

‘(1) At the end of section 223B of the National Health Service Act 2006 (funding of the National Health Service Commissioning Board) insert—

“(6) Where the mandate specifies objectives relating to service integration, the requirements that may be specified under section 13A(2)(b) include such requirements relating to the use by the Board of an amount of the sums paid to it under this section as the Secretary of State considers it necessary or expedient to impose.

(7) The amount referred to in subsection (6)—

(a) is to be determined in such manner as the Secretary of State considers appropriate, and

(b) must be specified in the mandate.

(8) The reference in subsection (6) to service integration is a reference to the integration of the provision of health services with the provision of health-related services or social care services, as referred to in sections 13N and 14Z1.”

(2) After section 223G of that Act (meeting expenditure of clinical commissioning groups out of public funds) insert—

“223GA Expenditure on integration

(1) Where the mandate includes a requirement in reliance on section 223B(6) (requirements relating to use by the Board of an amount paid to the Board where mandate specifies service integration objectives), the Board may direct a clinical commissioning group that an amount (a “designated amount”) of the sums paid to the group under section 223G is to be used for purposes relating to service integration.

(2) The designated amount is to be determined—

(a) where the mandate includes a requirement (in reliance on section 223B(6)) that designated amounts are to be determined by the Board in a manner specified in the mandate, in that manner;

(b) in any other case, in such manner as the Board considers appropriate.

(3) The conditions under section 223G(7) subject to which the payment of a designated amount is made must include a condition that the group transfers the amount into one or more funds (“pooled funds”) established under arrangements under section 75(2)(a) (“pooling arrangements”).

(4) The conditions may also include—

(a) conditions relating to the preparation and agreement by the group and each local authority and other clinical commissioning group that is party to the pooling arrangements of a plan for how to use the designated amount (a “spending plan”);

(b) conditions relating to the approval of a spending plan by the Board;

(c) conditions relating to the inclusion of performance objectives in a spending plan;
Care Bill [Lords], continued

(d) conditions relating to the meeting of any performance objectives included in a spending plan or specified by the Board.

(5) Where a condition subject to which the payment of a designated amount is made is not met, the Board may—
(a) withhold the payment (in so far as it has not been made);
(b) recover the payment (in so far as it has been made);
(c) direct the clinical commissioning group as to the use of the designated amount for purposes relating to service integration or for making payments under section 256.

(6) Where the Board withholds or recovers a payment under subsection (5)(a) or (b)—
(a) it may use the amount for purposes consistent with such objectives and requirements relating to service integration as are specified in the mandate, and
(b) in so far as the exercise of the power under paragraph (a) involves making a payment to a different clinical commissioning group or some other person, the making of the payment is subject to such conditions as the Board may determine.

(7) The requirements that may be specified in the mandate in reliance on section 223B(6) include requirements to consult the Secretary of State or other specified persons before exercising a power under subsection (5) or (6).

(8) The power under subsection (5)(b) to recover a payment may be exercised in a financial year after the one in respect of which the payment was made.

(9) The payments that may be made out of a pooled fund into which a designated amount is transferred include payments to a local authority which is not party to the pooling arrangements in question in connection with the exercise of its functions under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (disabilities facilities grants).

(10) In exercising a power under this section, the Board must have regard to the extent to which there is a need for the provision of each of the following—
(a) health services (see subsection (12)),
(b) health-related services (within the meaning given in section 14Z1), and
(c) social care services (within the meaning given in that section).

(11) A reference in this section to service integration is a reference to the integration of the provision of health services with the provision of health-related services or social care services, as referred to in sections 13N and 14Z1.

(12) “Health services” means services provided as part of the health service in England.”.
Norman Lamb

Title, line 5, after ‘Authority;’ insert ‘to make provision about integrating care and support with health services;’.