

Assessment of Government Policies (Impact on Families) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Caroline Ansell, are published separately as Bill 26 – EN.

Assessment of Government Policies (Impact on Families) Bill

CONTENTS

- 1 Definition of family test
 - 2 Requirement to carry out and publish impact assessment of new proposals
 - 3 Relevant authorities
 - 4 Duty to report on the costs and benefits of requiring local authorities to carry out equivalent tests on their policies
 - 5 Duty to establish objectives, targets and indicators for the Government's performance in promoting strong and stable families
 - 6 Interpretation
 - 7 Short title, commencement and extent
-

A
B I L L

TO

Require ministers to carry out an assessment of the impact of government policies on families by giving statutory effect to the family test; to place a duty on the Secretary of State to make a report on the costs and benefits of requiring local authorities to carry out equivalent tests on their policies; to require the Secretary of State to establish, and make an annual report on, indicators of and targets for the government's performance in promoting family stability; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Definition of family test

- (1) This section defines the family test.
- (2) The family test is an assessment of the impact of a proposal for a change in public expenditure, administration or policy, including but not limited to legislative proposals (both primary and secondary), on the promotion of strong and stable families in England. 5
- (3) In applying the family test, authorities to which this Act applies shall have regard to the likely impact of proposals under subsection (2) on—
 - (a) a person's ability to play a full part in their family's life in particular their ability and capacity to discharge caring responsibilities for a child or other dependent family member effectively, 10
 - (b) family formation,
 - (c) families undergoing fundamental changes such as the birth of children, marriage, fostering, adoption, bereavement, redundancy, the onset of long-term ill-health, 15
 - (d) couples who separate and their families while preparing to separate and during and after separation,
 - (e) couples at risk of separation, and
 - (f) families at risk of breakdown not covered under paragraph (e).

- (4) For the purpose of this Act, “family” and “families” shall include but not be limited to relationships between the following whether or not they live together in the same household –
- (a) spouses, civil partners or partners; 5
 - (b) children and parents, step-parents, guardians and any other adult with parental responsibility or who the child would consider to be their parent;
 - (c) children and their foster parents or prospective adopters caring for them where they are authorised to be placed for adoption;
 - (d) children and any other relative caring for the child; 10
 - (e) children and their siblings;
 - (f) children and their grandparents;
 - (g) relationships between extended family members, in particular, where family members act as carers for adults needing care within the family.
- 2 Requirement to carry out and publish impact assessment of new proposals 15**
- (1) Before making proposals as defined in section 1(2) an authority to which this Act applies must –
- (a) carry out and publish an assessment of the likely impact of the proposals on families in accordance with the family test in section 1; or
 - (b) publish a statement setting out its reasons for concluding that it does not need to carry out an assessment under subsection 1(a). 20
- (2) If the assessment conducted under subsection (1) concludes that there would be a negative impact on families, the authority must publish a statement on the reason for continuing with the proposal or proposal for legislation.
- 3 Relevant authorities 25**
- The authorities to which this Act applies are –
- (a) Ministers of the Crown,
 - (b) government departments, and
 - (c) any other public body designated by the Secretary of State by order made by statutory instrument. 30
- 4 Duty to report on the costs and benefits of requiring local authorities to carry out equivalent tests on their policies**
- (1) The Secretary of State must carry out an assessment and publish a report setting out details of the costs and benefits of extending the application of sections 1 and 2 to local authorities. 35
- (2) The report published under subsection (1) shall be laid before Parliament no later than 6 months after the day on which this Act comes into force.
- 5 Duty to establish objectives, targets and indicators for the Government’s performance in promoting strong and stable families**
- (1) The Secretary of State must, within the period of 9 months beginning with the day on which this Act comes into force, publish a report setting out –
- (a) the objectives and targets of the Government in relation to promoting strong and stable families (“family stability objectives and targets”),

- (b) the Government’s proposals and policies for meeting the objectives and targets in paragraph (a),
 - (c) the indicators (“family stability indicators”) that must be measured for the purposes of assessing the Government’s progress towards the objectives and targets in paragraph (a), and
 - (d) the data on which the family stability indicators are based.
- (2) The Secretary of State must in each subsequent financial year publish a report on the progress made towards the achievement of the family stability objectives and the meeting of the targets by reference to the indicators set out in the report under subsection (1).
- (3) Before the end of the period of three years beginning with the date on which the report under subsection (1) is first published and before the end of every subsequent three year period, the Secretary of State shall –
- (a) review the family stability objectives, targets and indicators established under subsection (1) and publish a report on their fitness for purpose;
 - (b) the Secretary of State may amend the family stability objectives, targets or indicators following publication of a report under paragraph (a);
 - (c) where the Secretary of State has made amendments under paragraph (b) he shall publish a supplementary statement explaining his decisions in so far as the relevant report under paragraph (a) does not do so.
- (4) The Secretary of State shall lay the reports and supplementary statements published under this section before each House of Parliament.

6 Interpretation

In this Act –

- “carer” has the same meaning as in part 1 of the Care Act 2014;
- “children” means one or more persons under the age of eighteen;
- “couple” means –
 - (a) a married couple and civil partners;
 - (b) two people (whether of different sexes or the same sex) living as partners in an enduring family relationship;
- “extended family member” means a grandparent or great-grandparent, an uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership), the child of an uncle or aunt, or the child of a brother or sister;
- “foster parent” means a local authority foster parent or a private foster parent;
- “guardian” has the same meaning as in the Children Act 1989 and includes a special guardian within the meaning of that Act;
- “legislation” means –
 - (a) an Act of Parliament if, or to the extent that, it extends to England;
 - (b) (subordinate legislation made under an Act of Parliament if, or to the extent that, the subordinate legislation extends to England;
- “partners” means two persons (whether of different sexes or the same sex) who live as partners in an enduring family relationship;
- “private foster parent” means a person who privately fosters a child within the meaning of section 66 of the Children Act 1989;

“prospective adopter” means a person who proposes to adopt a child;
“relative” means a person within the meaning of section 105 of the Children Act 1989;
“step-parent” means a person who is married to or a civil partner or partner of a child’s parent but is not the child’s parent.

5

7 Short title, commencement and extent

- (1) This Act extends only to England.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which this Act is passed.
- (3) This Act may be cited as the Assessment of Government Policies (Impact on Families) Act 2015.

10

Assessment of Government Policies (Impact on Families) Bill

A

B I L L

To require ministers to carry out an assessment of the impact of government policies on families by giving statutory effect to the family test; to place a duty on the Secretary of State to make a report on the costs and benefits of requiring local authorities to carry out equivalent tests on their policies; to require the Secretary of State to establish, and make an annual report on, indicators of and targets for the government's performance in promoting family stability; and for connected purposes.

*Presented by Caroline Ansell,
supported by
Mr David Burrowes, Mrs Anne Main,
Mary Glendon, Richard Graham, Fiona Bruce,
Martin Vickers, Jeremy Lefroy, Mr Peter Bone,
John Howell, James Cleverly and Jim Shannon.*

*Ordered, by The House of Commons,
to be Printed, 24 June 2015.*

© Parliamentary copyright House of Commons 2015

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by The Stationery Office Limited
£x.xx