

ASSESSMENT OF GOVERNMENT POLICIES (IMPACT ON FAMILIES) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Assessment of Government Policies (Impact on Families) Bill as introduced in the House of Commons on 24 June 2015 (Bill 26).

- These Explanatory Notes have been produced by Caroline Ansell in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament as a whole.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill. So where a provision of the Bill does not seem to require any explanation or comment, the Notes simply say in relation to it that the provision is self-explanatory.

Overview of the Bill

- 1 The objective of this Bill is to introduce a family perspective to the policy-making process in England. It aims to ensure that Ministers and departments recognise and make explicit the potential impacts on family relationships in the process of developing and agreeing proposals for new expenditure, administrative or policy proposals, including those for both primary and secondary legislation.

Policy background

- 2 The objective in the Bill has been derived from material set out in the Government's introduction to the [Family Test guidance](#).
- 3 The principles of the Family Test in the Bill are based on the guidance produced by the Department for Work and Pensions "[The Family Test: Guidance for Government Departments](#)" (October 2014) and cover the impact of relationships between adults, caring relationships with child and dependent adults.

Legal Background

- 4 As the Government's current guidance points out, policy-makers should think about family impacts in a similar way to how they consider impacts on equality as required by the Public Sector Equality Duty. However, while analysis under the Family Test might complement the consideration of equality impacts, the two are separate responsibilities with the equality considerations required under statute.
- 5 This Bill seeks to place the Family Test on a similar statutory footing for certain public authorities to the assessment and analyses required under Equality legislation.

Territorial extent and application

- 6 Clause 7 states that the Bill would extend to England only.

Commentary on provisions of the Bill

Clause 1: Definition of family test

- 7 Clause 1 sets out the definition of the family test.
- 8 Clause 1(2) establishes that the test is an assessment of proposals for their impact on (i.e. positive and/or negative) on the promotion of strong and stable families.
- 9 Clause 1(3) sets out the matters relevant to a consideration of the impact of a policy on promoting family stability. The list of relevant matters is based on those set out in the guidance developed for all Government by the Department for Work and Pensions.
- 10 Clause 1(4) sets out the key family relationships which should be considered in applying the test, whilst making clear that this does not provide an exhaustive list of family relationships. The list of relationships is based on those set out in the relevant Department for Work and Pensions guidance.

Clause 2: Requirement to carry out and publish impact assessment of new proposals

- 11 Clause 2(1)(a) creates a duty on public authorities to carry out and publish an assessment of the impact of expenditure, administrative and policy proposals, including for primary and secondary legislation, on family stability.
- 12 If a given public authority determines that it does not need to carry out an assessment clause 2(1)(b) requires it to publish a statement stating its reasons for not conducting the Family Test.
- 13 If a public authority determines there is a negative impact on families but continues to proceed with the proposal, clause 2(2) requires the authority to publish a statement of its reasons for pursuing the proposal.

Clause 3: Relevant authorities

- 14 Clause 3 identifies the public authorities under a duty to apply the Family Test as Ministers of the Crown and government departments. The clause grants the Secretary of State the power to designate other public sector organisations as falling under this duty by delegated legislation.

Clause 4: Duty to report on costs and benefits of extending the test to local authorities

- 15 Clause 4 requires the Secretary of State to carry out an assessment of the costs and benefits of placing local authorities under the duty to apply the Family Test.
- 16 The assessment must be laid before Parliament within six months of the Act coming into force.

Clause 5: Duty to establish objectives, targets and indicators for the Government's performance in promoting strong and stable families.

- 17 Clause 5 requires the Secretary of State to establish objectives, targets and indicators for assessing the Government's performance in promoting strong and stable families and requires the Government periodically to review progress towards the objectives.
- 18 Clause 5(1) requires the Secretary of State to publish a report within nine months of the Act coming into force setting out the Government's objectives and targets for promoting strong and stable families, the proposals and policies for meeting those objectives and targets, the indicators used to assess strong and stable families, the data on which the indicators are based and how progress will be measured.
- 19 Clause 5(2) requires the Secretary of State publish a report on progress towards achieving the family stability objectives each financial year.
- 20 Clause 5(3) requires the Secretary of State to review the family stability objectives, targets and indicators every three years and publish a report setting out any changes and trends.
- 21 Clause 5(4) stipulates that reports published under this clause must be laid before Parliament.

Clause 6: Interpretation

- 22 Clause 6 sets out the meaning to be given to certain key phrases for the purposes of the Bill.

Clause 7: Short title, commencement and extent

- 23 Clause 7 is self-explanatory.

Commencement

- 24 Clause 7 states that the Bill would come into force 3 months after the day on which it received Royal Assent.

Financial implications of the Bill

25 The Bill has no financial implications.

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