



House of Commons

Tuesday 10 January 2017

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

CHILDREN AND SOCIAL WORK BILL [*LORDS*]

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [13 December 2016].

NEW CLAUSES

Edward Timpson

NC1

To move the following Clause—

“Placing children in secure accommodation elsewhere in Great Britain

Schedule (*Placing children in secure accommodation elsewhere in Great Britain*) contains amendments relating to—

- (a) the placement by local authorities in England and Wales of children in secure accommodation in Scotland, and
- (b) the placement by local authorities in Scotland of children in secure accommodation in England and Wales.”

Member’s explanatory statement

This new clause would introduce NSI, which amends legislation to allow local authorities in England and Wales to place children in secure accommodation in Scotland, and makes provision relating to the placement by local authorities in Scotland of children in secure accommodation in England and Wales.

 Children and Social Work Bill [*Lords*], *continued*

Edward Timpson

NC2

To move the following Clause—

“Power to test different ways of working

- (1) The purpose of this section is to enable a local authority in England to test different ways of working under children’s social care legislation with a view to—
 - (a) promoting the physical and mental health and well-being of children, young people or their families,
 - (b) encouraging children or young people to express their views, wishes and feelings,
 - (c) taking into account the views, wishes and feelings of children or young people,
 - (d) helping children, young people or their families gain access to, or make the best use of, services provided by the local authority or its relevant partners (within the meaning given by section 10(4) of the Children Act 1989),
 - (e) promoting high aspirations for children or young people,
 - (f) promoting stability in the home lives, relationships, education or work of children or young people, or
 - (g) preparing children or young people for adulthood and independent living.
- (2) The Secretary of State may by regulations, for that purpose—
 - (a) exempt a local authority in England from a requirement imposed by children’s social care legislation;
 - (b) modify the way in which a requirement imposed by children’s social care legislation applies in relation to a local authority in England.
- (3) Regulations under this section may not be used so as to remove any prohibition on a local authority in England arranging for functions to be carried out by a body whose activities are carried on for profit.
- (4) Regulations under this section may not be used to exempt a local authority in England from, or modify, its duties under—
 - (a) section 17 of the Children Act 1989 and Part 1 of Schedule 2 to that Act (duty to provide appropriate services to children in need);
 - (b) section 20 of that Act (provision of accommodation for children who appear to require it for certain reasons);
 - (c) section 22 of that Act (duty to safeguard and promote welfare of looked after children etc);
 - (d) section 47 of that Act (duty to make enquiries and take action to safeguard or promote welfare of children at risk);
 - (e) section 10 of the Children Act 2004 (duty to make arrangements for promoting co-operation to improve well-being of children);
 - (f) section 11 of that Act (duty to make arrangements to ensure that regard is had to the need to safeguard and promote the welfare of children).
- (5) The Secretary of State may make regulations under this section relating to a local authority in England only on an application by that authority.
- (6) Subsection (5) does not apply to regulations under this section that only revoke earlier regulations under this section.
- (7) Regulations under this section may be made in relation to one or more local authorities in England.

Children and Social Work Bill [Lords], continued

- (8) Regulations under this section may include consequential modifications of children’s social care legislation.”

Member’s explanatory statement

This new clause would give the Secretary of State a power to enable local authorities in England to test different ways of working under children’s social care legislation for one of the purposes mentioned in subsection (1). Subsections (3) and (4) include safeguards on the use of the power. The power may only be exercised on an application by a local authority. See also the following, which are related: NC3, NC4, NC5, NC6, NC7, NC8 and NC9.

Edward Timpson

NC3

To move the following Clause—

“Duration

- (1) Regulations under section (*Power to test different ways of working*) must specify a period at the end of which they lapse.
- (2) The period must not be longer than 3 years beginning with the day on which the regulations come into force.
- (3) But the Secretary of State may by further regulations under section (*Power to test different ways of working*) amend the specified period to extend it by up to 3 years.
- (4) The specified period may be extended on one occasion only.
- (5) Before extending the specified period the Secretary of State must lay a report before Parliament about the extent to which the regulations have achieved the purpose mentioned in section (*Power to test different ways of working*)(1).
- (6) The Secretary of State may by regulations make transitional provision in connection with the lapsing of regulations under section (*Power to test different ways of working*).”

Member’s explanatory statement

This would ensure that exemptions or modifications under the power to test different ways of working in NC2 are of a temporary nature. The regulations may be made for up to 3 years and may be renewed for one further period of up to 3 years.

Edward Timpson

NC4

To move the following Clause—

“Parliamentary procedure

- (1) Regulations under section (*Power to test different ways of working*) are subject to the negative resolution procedure if they only—
 - (a) relate to requirements imposed by subordinate legislation that was not subject to affirmative resolution procedure, or
 - (b) revoke earlier regulations under that section.
- (2) Any other regulations under section (*Power to test different ways of working*) are subject to the affirmative resolution procedure.

Children and Social Work Bill [Lords], continued

- (3) At the same time as laying a draft of a statutory instrument containing regulations under section (*Power to test different ways of working*) before Parliament, the Secretary of State must lay before Parliament a report—
- (a) explaining how the purpose mentioned in subsection (1) of that section is expected to be achieved, and
 - (b) confirming that the regulations are not expected to have a detrimental effect on the welfare of any child and explaining any measures that have been put in place to ensure that is the case.
- (4) If regulations under section (*Power to test different ways of working*) are subject to the affirmative resolution procedure and would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, they are to proceed in that House as if they were not a hybrid instrument.
- (5) For the purposes of subsection (1)(a) subordinate legislation “was not subject to affirmative resolution procedure” if it was not subject to any requirement for a draft to be laid before, and approved by a resolution of, each House of Parliament.”

Member’s explanatory statement

This new clause would set out of the procedure for making regulations about testing different ways of working under NC2. Most regulations are subject to affirmative resolution procedure, with the two exceptions mentioned in subsection (1)(a) and (b) of the clause. The Secretary of State is also required to lay a report before Parliament dealing with the matters mentioned in subsection (3).

Edward Timpson

NC5

To move the following Clause—

“Consultation by local authority

- (1) Before making an application for the Secretary of State to make regulations under section (*Power to test different ways of working*) a local authority in England must—
 - (a) consult such of the other safeguarding partners and relevant agencies in relation to its area as it considers appropriate, and
 - (b) any other person that the local authority considers appropriate.
- (2) In deciding who to consult under subsection (1)(b) a local authority in England must, in particular, consider consulting any children or young people who might be affected by the regulations.”

Member’s explanatory statement

This would impose a consultation requirement on local authorities before making an application under NC2.

 Children and Social Work Bill [*Lords*], *continued*

Edward Timpson

NC6

To move the following Clause—

“Consultation by Secretary of State

- (1) Where a local authority in England make an application for the Secretary of State to make regulations under section (*Power to test different ways of working*) the Secretary of State must invite an expert panel to give advice about—
 - (a) the capability of the authority to achieve the purpose mentioned in subsection (1) of that section if the regulations are made,
 - (b) the likely impact of the regulations on children and young people, and
 - (c) the adequacy of any measures that will be in place to monitor the impact of the regulations on children and young people.
- (2) The expert panel is to consist of—
 - (a) the Children’s Commissioner,
 - (b) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, and
 - (c) one or more other persons appointed by the Secretary of State to consider the application.
- (3) The Secretary of State may appoint a person under subsection (2)(c) to consider an application only if the Secretary of State thinks that the person has expertise relevant to the subject matter of the application.
- (4) Having invited the expert panel to advise, the Secretary of State must wait at least 6 weeks before making regulations under section (*Power to test different ways of working*) in response to the application.
- (5) Before making regulations under section (*Power to test different ways of working*) in response to the application, the Secretary of State must also publish any written advice given during that 6 week period by the expert panel.”

Member’s explanatory statement

This would impose consultation requirements on the Secretary of State before making regulations under NC2.

Edward Timpson

NC7

To move the following Clause—

“Guidance

- (1) The Secretary of State must give local authorities in England guidance about—
 - (a) factors that a local authority in England should take into account in deciding whether to make an application under (*Power to test different ways of working*),
 - (b) the form and content of applications under (*Power to test different ways of working*) and the process for making them,
 - (c) consultation under section (*Consultation by local authorities*),
 - (d) monitoring and evaluating the effect of the regulations under section (*Power to test different ways of working*), and
 - (e) the exercise of functions under, or in connection with, children’s social care legislation as modified by regulations under section (*Power to test different ways of working*).

Children and Social Work Bill [*Lords*], *continued*

- (2) Before giving guidance under this section the Secretary of State must—
- (a) consult such persons as the Secretary of State considers appropriate, and
 - (b) publish a summary of the consultation responses.”

Member’s explanatory statement

This would require the Secretary of State to give local authorities guidance on certain matters to do with NC2 and NC5.

Edward Timpson

NC8

To move the following Clause—

“Annual report

If the Secretary of State makes regulations under (*Power to test different ways of working*) the Secretary of State must, in respect of each year in which they remain in force, publish a report about the extent to which the regulations have achieved the purpose mentioned in section (*Power to test different ways of working*)(1).”

Member’s explanatory statement

This would require the Secretary of State to publish an annual report on any regulations under NC2.

Edward Timpson

NC9

To move the following Clause—

“Interpretation

In sections (*Power to test different ways of working*), (*Duration*), (*Parliamentary procedure*), (*Consultation by local authority*), (*Consultation by Secretary of State*), (*Guidance*), (*Annual report*) and this section—

“child” means a person under the age of 18 (and “children” means people under the age of 18);

“children’s social care legislation” means—

- (a) any legislation specified in Schedule 1 to the Local Authority Social Services Act 1970 so far as relating to those under the age of 18;
- (b) sections 23C to 24D of the Children Act 1989, so far as not within paragraph (a);
- (c) the Children Act 2004, so far as not within paragraph (a);
- (d) any subordinate legislation under the legislation mentioned in paragraphs (a) to (c);

“local authority in England” means—

- (a) a county council in England;
- (b) a district council;
- (c) a London Borough council;

Children and Social Work Bill [Lords], continued

- (d) the Common Council of the City of London (in their capacity as a local authority);
 - (e) the Council of the Isles of Scilly;
 - (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- “relevant agency”, in relation to a local authority area, has the meaning given by section 16E(3) of the Children Act 2004;
- “safeguarding partner”, in relation to a local authority area, has the meaning given by section 16E(3) of the Children Act 2004;
- “subordinate legislation” has the same meaning as in the Interpretation Act 1978;
- “young people” means people, other than children, under the age of 25.”

Member’s explanatory statement

This defines terms used in NC2, NC3, NC4, NC5, NC6, NC7, NC8 and this clause.

Edward Timpson

NC10

To move the following Clause—

“Improvement standards

- (1) The Secretary of State may—
 - (a) determine and publish improvement standards for social workers in England;
 - (b) carry out assessments of whether people meet improvement standards under paragraph (a).
- (2) The Secretary of State may make arrangements for another person to do any or all of those things (and may make payments to that person).
- (3) The Secretary of State must consult such persons as the Secretary of State considers appropriate before determining a standard under subsection (1)(a).
- (4) In this section “improvement standard” means a professional standard the attainment of which demonstrates particular expertise or specialisation.
- (5) Nothing in this section limits anything in section 38.”

Member’s explanatory statement

This new clause allows the Secretary of State to determine and publish improvement standards for social workers or arrange for someone else to do so. There is also a power to carry out assessments. The clause does not limit the regulator’s functions under clause 38.

 Children and Social Work Bill [*Lords*], *continued*

Stella Creasy
 Seema Malhotra
 Jess Phillips
 Kate Green
 Alison McGovern
 Luciana Berger

Yvonne Fovargue
 Kerry McCarthy
 Mary Creagh
 Helen Hayes
 Yvette Cooper
 Caroline Lucas

Anna Turley
 Lucy Powell
 Karin Smyth
 Ms Karen Buck
 Heidi Alexander
 Mrs Emma Lewell-Buck

Diana Johnson
 Ms Angela Eagle
 Liz Kendall
 Mrs Sharon Hodgson
 Angela Rayner

NC11

To move the following Clause—

“Safeguarding: provision of personal, social and health education

- (1) For the purpose of safeguarding and promoting the welfare of children a local authority in England must ensure that pupils educated in their area receive appropriate personal, social and health education.
 - (2) For the purposes of subsection (1) “personal, social and health education” must include but shall not be restricted to—
 - (a) sex and relationships education,
 - (b) same-sex relationships,
 - (c) sexual consent,
 - (d) sexual violence, and
 - (e) domestic violence.
 - (3) Targeted inspections carried out by the Office for Standards in Education, Children’s Services and Skills (Ofsted) under section 136 of the Education and Inspections Act 2006 shall include an assessment of the provision of personal, social and health education under subsection (1), including whether the information provided to pupils is—
 - (a) accurate and balanced,
 - (b) age-appropriate,
 - (c) inclusive, or
 - (d) religiously diverse.
 - (4) Assessments made under subsection (3) must include an evaluation of any arrangements for pupils of sufficient maturity to request to be wholly or partly excused from participating in personal, social and health education.
 - (5) For the purpose of subsection (4) “sufficient maturity” shall be defined in guidance by the Secretary of State.
 - (6) Withdrawal from personal, social and health education by pupils under subsection (4) shall not be considered a breach of the safeguarding duties of a local authority.
 - (7) This section comes into force at the end of the period of twelve months beginning with the day on which this Act is passed.”
-

Children and Social Work Bill [Lords], continued

Steve McCabe

NC12

To move the following Clause—

“Arrangements for remaining in a residential children’s home after reaching adulthood

- (1) The Children Act 1989 is amended as follows.
- (2) In section 23CZA (arrangements for certain former relevant children to live with former foster parents)—
 - (a) in subsection (2)(b)—
 - (i) after “person” insert “or residential children’s home”;
 - (ii) leave out “former foster parent” and insert “former care giver”;
 - (iii) after second “parent” insert “or residential children’s home”;
 - (b) in the second sentence of subsection (2) after “together” insert “, or at the residential children’s home”;
 - (c) for all references to “former foster parent” substitute “former care giver”.
- (3) In paragraph 19BA in Part 2 of Schedule 2 (local authority support for looked after children)—
 - (a) in sub-paragraph (1), after “parent” insert “or in a residential children’s home”;
 - (b) in sub-paragraph (3)(b), after “parent” insert “or residential children’s home”.”

Member’s explanatory statement

This new clause would extend the “staying put” arrangements that currently exist for young people placed with foster parents to those living in a residential children’s home.

Mrs Emma Lewell-Buck

NC13

To move the following Clause—

“Review of access to education for care leavers

- (1) The Secretary of State must carry out an annual review on access for care leavers to—
 - (a) apprenticeships,
 - (b) further education, and
 - (c) higher education.
 - (2) The first review must take place by the end of the period of one year beginning with the day on which this Act is passed.
 - (3) A report produced following a review under sub-section (1) must include, in particular, an assessment of the impact of—
 - (a) fee waivers,
 - (b) grants, and
 - (c) reduced costs of accommodation.
 The report must be made publicly available.”
-

Children and Social Work Bill [*Lords*], *continued*

Mrs Emma Lewell-Buck
Kate Green

NC14

To move the following Clause—

“Duty to have due regard to United Nations Convention on the Rights of the Child

- (1) A public authority must, in the exercise of its functions relating to safeguarding and the welfare of children, have due regard to the UN Convention on the Rights of the Child.
 - (2) For the purposes of this section—
 - (a) “public authority” has the same meaning as in section 6 of the Human Rights Act 1998, and
 - (b) “United Nations Convention on the Rights of the Child” has the same meaning as in section 2A(2) of the Children Act 2004.”
-

Mrs Emma Lewell-Buck

NC15

To move the following Clause—

“Sibling contact for looked after children

- (1) In section 34(1) of the Children Act 1989, after paragraph (d) insert—

“(e) his siblings (whether of the whole or half blood).”
- (2) In paragraph 15(1) of Schedule 2 to the Children Act 1989, after paragraph (c) insert—

“(d) his siblings (whether of the whole or half blood).””

Member’s explanatory statement

This new clause would ensure that children in care are allowed reasonable contact with their siblings.

Mrs Emma Lewell-Buck

NC16

To move the following Clause—

“National offer for care leavers

- (1) The Universal Credit Regulations 2013 are amended as follows—
 - (a) in regulation 102(2)—
 - (i) in paragraph (a) after “18 or over” insert “and paragraph (b) does not apply”;
 - (ii) in paragraph (b) after “16 or 17” insert “or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25”;
 - (b) in regulation 103(2)—
 - (i) in paragraph (a) after “18 or over” insert “and paragraph (b) does not apply”;

Children and Social Work Bill [*Lords*], continued

- (ii) in paragraph (b) after “16 or 17” insert “or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25”;
 - (c) in regulation 104(2) after “18 or over” insert “and section (3) does not apply”.
 - (d) in regulation 104(3) after “16 or 17” insert “or is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016 and is under the age of 25”.
- (2) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 are amended as follows—
- (a) in regulation 4(1), Second Condition, after paragraph (b) insert—
 - “(c) is aged at least 18 and is a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016, and is under the age of 25, and undertakes not less than 30 hours work per week.”
- (3) The Housing Benefit Regulations 2009 are amended as follows—
- (a) in regulation 2, in the definition of “young individual”, in each of paragraphs (b), (c), (d), (e) and (f), for “22 years” substitute “25 years”.
- (4) The Local Government Finance Act 1992 is amended as follows—
- (a) in section 6(4) (persons liable to pay council tax), after “etc)” insert “or 10A (care leavers)”;
 - (b) in Schedule 1 (persons disregarded for purposes of discount), after paragraph 10 insert—

“Care leavers

- 10A (1) A person shall be disregarded for the purposes of discount on a particular day if on the day the person is—
 - (a) a care leaver within the meaning given by section 2 of the Children and Social Work Act 2016; and
 - (b) under the age of 25.”
- (5) The Council Tax (Exempt Dwellings) Order 1992 is amended as follows—
- (a) in Article 3, Class N, after paragraph 1(b) insert—
 - “(c) occupied only by one or more care leavers within the meaning given by section 2 of the Children and Social Work Act 2016 who are under the age of 25.”
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
-

Children and Social Work Bill [Lords], continued

Mrs Emma Lewell-Buck

NC17

To move the following Clause—

“Pre-proceedings work with families

In section 47 of the Children Act 1989 (local authority’s duty to investigate) after subsection (8) insert—

- “(8A) Where, as a result of complying with this section, a local authority conclude that a child may need to become looked after in order to safeguard and promote their welfare, the local authority must, unless emergency action is required—
- (a) identify and consider the willingness and suitability of any relative, friend or other person connected with the child, to care for them as an alternative to them becoming looked after by unrelated carers; and
 - (b) offer the child’s parents or other person with parental responsibility a family group conference to develop a plan which will safeguard and promote the child’s welfare.””

Member’s explanatory statement

This new clause would ensure effective work is undertaken with the family so that all safe family options are explored at an early stage of intervention.

Mrs Emma Lewell-Buck

NC18

To move the following Clause—

“Assessment of physical and mental health and emotional wellbeing needs

- (1) In section 22C of the Children Act 1989, after subsection 11 insert—

- “(11A) Regulations made under subsection (11) must make arrangements for—
- (a) the assessment of a looked after child’s mental and physical health and emotional wellbeing needs, and
 - (b) the assessment of the mental and physical health and emotional wellbeing needs of relevant and former relevant children.

- (11B) Subsection (11A) shall come into force at the end of the financial year ending with 31 March 2019.””

Member’s explanatory statement

This new clause requires the Secretary of State to make regulations for mental health assessments for looked after children. A time delay in commencement is included to allow time for the pilots to be completed before details of the regulations are decided.

Children and Social Work Bill [Lords], continued

Mrs Emma Lewell-Buck

NC19

To move the following Clause—

“Duty to promote physical and mental health and emotional well-being

(1) In section 22 of the Children Act 1989, in subsection (3)(a) at end insert—

“(3D) The duty of a local authority under subsection (3)(a) to safeguard and promote the welfare of a child looked after by them includes a particular duty to promote the child’s physical and mental health and emotional wellbeing.

(3E) For the purpose of supporting a local authority in discharging its duty under subsection (3D), each clinical commissioning group must appoint—

(a) at least one registered medical practitioner, and

(b) at least one registered nurse,

for each local authority with which any part of the clinical commissioning group overlaps.””

Member’s explanatory statement

This new clause would improve the outcomes for looked after children through a clarification of duties of cross agency working between local authorities and health partners, by elevating the roles of designated doctors and nurses into primary legislation.

Mrs Emma Lewell-Buck

NC20

To move the following Clause—

“Former relevant children: provision of sufficient suitable accommodation

(1) In the Children Act 1989, after section 23C insert—

“23CA Duty on local authorities to secure sufficient accommodation for former relevant children

(1) It is the general duty of a local authority to take steps that secure, so far as reasonably practicable, the outcome in subsection (2).

(2) The outcome is that the local authority secures sufficient suitable accommodation (whether or not provided by them) within their area to meet the needs of former relevant children, where “former relevant children” has the same meaning as in section 23C(1) of this Act.

(3) In taking steps to secure the outcome in subsection (2), the local authority must—

(a) produce, and make available to all former relevant children, information about the providers of accommodation and the types of accommodation they provide,

(b) be aware of the current and expected future demand for such accommodation and consider how providers might meet that demand, and

(c) have regard to—

(i) the need to ensure the sustainability of the market, and

Children and Social Work Bill [*Lords*], *continued*

- (ii) the need to encourage providers to innovate and continuously improve the quality of such accommodation and the efficiency and effectiveness with which it is provided.””

Member’s explanatory statement

This new clause would establish a clear statutory duty on local authorities to secure sufficient, suitable accommodation for all care leavers up to age 21. Local authorities already have a duty to ensure sufficient accommodation for looked after children in their area.

Mrs Emma Lewell-Buck

NC21

To move the following Clause—

“Designated support for family and friends carers

- (1) In the Children Act 1989, after section 17ZI insert—

“17ZJ Designated support for family and friends carers

Each local authority must appoint at least one person as a designated lead for family and friends care, to co-ordinate the provision within their area of family and friends care support services.””

Member’s explanatory statement

This new clause would provide kinship carers, council staff and other agencies with clarity as to who is the named senior manager with responsibility for family and friends care in the authority and who has responsibility for ensuring that the local authority complies with family and friends care guidance.

Mrs Emma Lewell-Buck

NC22

To move the following Clause—

“Extending Placement Orders to Special Guardianship Orders

In the Adoption and Children Act 2002, after section 21, insert—

“21A Placement orders: special guardianship orders

- (1) In this section a placement order is an order made by the court authorising a local authority to place a child, whom that local authority has decided should be placed under a special guardianship order, with any prospective special guardian who may be identified by the authority.
- (2) A “prospective special guardian” is a person who is entitled to apply for a special guardianship order with respect to a child under section 14A(5) of the Children Act 1989.
- (3) The court may not make a placement order in respect of a child unless—
- (a) the child is subject to a care order,

Children and Social Work Bill [Lords], continued

- (b) the court is satisfied that the conditions in section 31(2) of the Children Act 1989 (conditions for making a care order) are met, or
 - (c) the child has no parent or guardian.
- (4) The court may only make a placement order if the court is satisfied—
- (a) that no other permanence order is appropriate and that only a special guardianship order will meet the needs of the child, and
 - (b) in the case of each parent or guardian of the child—
 - (i) that the parent or guardian has consented to the child being placed under a special guardianship order with the prospective special guardian identified by the local authority and has not withdrawn consent, or
 - (ii) that the parent’s or guardian’s consent should be dispensed with.

This subsection is subject to section 52 (parental etc consent).

- (5) When making a decision in any proceedings where the court might make a placement order, the court must apply the welfare checklist under section 1(4) of this Act and must consider the whole range of powers available to it in the child’s case (whether under this Act or the Children Act 1989), including making no order.
- (6) On the making of a placement order and until such an order is revoked—
- (a) any existing child arrangement or supervision order ceases to have effect,
 - (b) no other order may be applied for, and
 - (c) a care order is suspended.
- (7) A placement order continues in force until—
- (a) it is revoked under section 24,
 - (b) a special guardianship order is made in respect of the child, or
 - (c) the child marries, forms a civil partnership or attains the age of 18 years.”

Member’s explanatory statement

This new clause would extend the provisions for placement orders under section 21 of the Adoption and Children Act 2002 to special guardianship orders.

Mrs Emma Lewell-Buck

NC23

To move the following Clause—

“Standardisation of Local Arrangements for safeguarding and promoting welfare of children

The safeguarding partners for a local authority area in England must make arrangements for—

- (a) safeguarding partners and relevant agencies, where appropriate, to work across and with multiple local authorities, and

Children and Social Work Bill [Lords], continued

- (b) a minimum local standard setting out allowances, support, training and terms and conditions for foster carers.”
-

Mrs Emma Lewell-Buck

NC24

To move the following Clause—

“Legal aid for parents who are care leavers: children in voluntary accommodation and to be placed in a foster for adoption placement

After regulation 5(1)(e) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013, insert—

- “(ea) family help (lower) in any matter described in paragraph 1(1)(b) (care, supervision and protection of children) or paragraph 1(1)(i) (placement orders, recovery orders or adoption orders) of Part 1 of Schedule 1 to the Act to the extent that the matter concerns a placement to be made or contemplated to be made under section 22C(9B)(c) of the Children Act 1989 (placement with a local authority foster parent who has been approved as a prospective adopter), where the child is being accommodated under section 20 of that Act, and the individual to whom the family help (lower) may be provided is—
- (i) the parent of a child, or the person with parental responsibility for a child within the meaning of the Children Act 1989 in respect of whom a local authority has given notice of a placement or contemplated placement under s22C subsection (9B)(c) of that Act and is themselves a looked after child or a care leaver, or
 - (ii) in the case of an unborn child in respect of whom a local authority has given notice of a placement or contemplated placement under section 22C(9B)(c) of the Children Act 1989, the person who, following the birth of the child—
 - (a) is a looked after child or a care leaver,
 - (b) will be the parent of the child, and
 - (c) will have parental responsibility for the child within the meaning of the Children Act 1989.””

Member’s explanatory statement

This new clause would allow access to free, independent legal advice for parents, who are themselves a looked after child or care leaver, and whose children are in voluntary placement and are to be placed in a foster for adoption placement.

Children and Social Work Bill [Lords], continued

Mrs Emma Lewell-Buck

NC25

To move the following Clause—

“Legal aid for parents who are care leavers: children subject to a placement order application

After regulation 5(1)(d) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013, insert—

- “(da) legal representation in proceedings for a placement order under Chapter 3 of Part 1 of the 2002 Act where the individual to whom legal representation may be provided is—
- (i) the parent of a child or a person with parental responsibility for the child within the meaning of the Children Act 1989,
 - (ii) is themselves a looked after child or care leaver, and
 - (iii) would not otherwise be entitled to legal representation under paragraphs (c) or (d) of this regulation.”

Member’s explanatory statement

This new clause would ensure access to free, independent legal advice and representation for parents, who are themselves a looked after child or care leaver, and whose children are subject to a placement order application (permission to place a child for adoption).

Mrs Emma Lewell-Buck

NC26

To move the following Clause—

“Post-removal counselling for parents and legal guardians who are themselves looked after children or care leavers

After section 19 of the Children Act insert—

“19A Post-removal counselling for parents and legal guardians

Where a child is permanently removed from the care of a birth parent or a guardian under the powers in section 31 of the Children Act 1989 (care and supervision orders), a local authority must, so far as is reasonably practicable, provide a counselling service and commission therapeutic support for the parent or guardian where—

- (a) the parent or guardian is a looked after child, or
- (b) the parent or guardian is a care leaver.”

Member’s explanatory statement

This new clause would provide post-removal support for parents who are themselves a looked after child or care leaver.

Children and Social Work Bill [*Lords*], *continued*

Mrs Emma Lewell-Buck

NC27

To move the following Clause—

“Placing children in secure accommodation elsewhere in Great Britain

- (1) Schedule (Placing children in secure accommodation elsewhere in Great Britain) ends at the end of the period of two years beginning with the day on which this Act is passed.”

Member’s explanatory statement

This new clause would revoke provisions in the Bill that enable local authorities in England and Wales to place children in secure accommodation in Scotland, and vice versa, two years after the Act comes into force.

Mrs Emma Lewell-Buck

NC28

To move the following Clause—

“Guidance on the handling of child to child abuse in schools

For the purpose of safeguarding and promoting the welfare of children, within eight weeks of this Act coming into force the Secretary of State must issue guidance to all schools on how to handle allegations of abuse made by a child against another child at the school.”

Member’s explanatory statement

This new clause would place a duty on the Secretary of State to issue guidance to all schools on how to handle allegations of child to child abuse.

NEW SCHEDULE

Edward Timpson

NS1

To move the following Schedule—

“SCHEDULE**PLACING CHILDREN IN SECURE ACCOMMODATION ELSEWHERE IN GREAT BRITAIN*****Children Act 1989***

- 1 The Children Act 1989 is amended as follows.
- 2 (1) Section 25 (use of accommodation in England for restricting liberty of children looked after by English and Welsh local authorities)—
 - (a) is to extend also to Scotland, and
 - (b) is amended as follows.

Children and Social Work Bill [*Lords*], *continued*

- (2) In subsection (1)—
- (a) for “or local authority in Wales” substitute “in England or Wales”;
 - (b) after “accommodation in England” insert “or Scotland”;
- (3) In subsection (2)—
- (a) in paragraphs (a)(i) and (ii) and (b), after “secure accommodation in England” insert “or Scotland”;
 - (b) in paragraph (c), for “or local authorities in Wales” substitute “in England or Wales”;
- (4) After subsection (5) insert—
- “(5A) Where a local authority in England or Wales are authorised under this section to keep a child in secure accommodation in Scotland, the person in charge of the accommodation may restrict the child’s liberty to the extent that the person considers appropriate, having regard to the terms of any order made by a court under this section.”
- (5) In subsection (7)—
- (a) in paragraph (c), after “secure accommodation in England” insert “or Scotland”;
 - (b) after that paragraph, insert—
 - “(d) a child may only be placed in secure accommodation that is of a description specified in the regulations (and the description may in particular be framed by reference to whether the accommodation, or the person providing it, has been approved by the Secretary of State or the Scottish Ministers).”
- (6) After subsection (8) insert—
- “(8A) Sections 168 and 169(1) to (4) of the Children’s Hearings (Scotland) Act 2011 (asp 1) (enforcement and absconding) apply in relation to an order under subsection (4) above as they apply in relation to the orders mentioned in section 168(3) or 169(1)(a) of that Act.”
- 3 In paragraph 19(9) of Schedule 2 (restrictions on arrangements for children to live abroad), after “does not apply” insert “—
- (a) to a local authority placing a child in secure accommodation in Scotland under section 25, or
 - (b) ”.

Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)

- 4 The Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505) are amended as follows.
- 5 In regulation 1—
- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
 - (b) the existing text becomes paragraph (1);
 - (c) after that paragraph insert—
 - “(2) This Regulation and Regulations 10 to 13 extend to England and Wales and Scotland.
 - (3) Except as provided by paragraph (2), these Regulations extend to England and Wales.”

Children and Social Work Bill [Lords], continued

- 6 In regulation 2(1) (interpretation), in the definition of “children’s home”, for the words from “means” to the end, substitute “means—
- (a) a private children’s home, a community home or a voluntary home in England, or
 - (b) an establishment in Scotland (whether managed by a local authority, a voluntary organisation or any other person) which provides residential accommodation for children for the purposes of the Children’s Hearings (Scotland) Act 2011, the Children (Scotland) Act 1995 or the Social Work (Scotland) Act 1968”.

7 For regulation 3 substitute—

“3 Approval by Secretary of State of secure accommodation in a children’s home

- (1) Accommodation in a children’s home shall not be used as secure accommodation unless —
 - (a) in the case of accommodation in England, it has been approved by the Secretary of State for that use;
 - (b) in the case of accommodation in Scotland, it is provided by a service which has been approved by the Scottish Ministers under paragraph 6(b) of Schedule 12 to the Public Services Reform (Scotland) Act 2010.
 - (2) Approval by the Secretary of State under paragraph (1) may be given subject to any terms and conditions that the Secretary of State thinks fit.”
- 8 In regulation 17 (records), in the words before paragraph (a), after “children’s home” insert “in England”.

Secure Accommodation (Scotland) Regulations 2013 (S.S.I. 2013 No. 205)

- 9 The Secure Accommodation (Scotland) Regulations 2013 (S.S.I. 2013 No. 205) are amended as follows.
- 10 In regulation 5 (maximum period in secure accommodation), after paragraph (2) insert—
- “(3) This regulation does not apply in relation to a child placed in secure accommodation in Scotland under section 25 of the Children Act 1989 (which allows accommodation in Scotland to be used for restricting the liberty of children looked after by English and Welsh local authorities).”
- 11 In regulation 15 (records to be kept by managers of secure accommodation in Scotland), after paragraph (2) insert—
- “(3) The managers must provide the Secretary of State or Welsh Ministers, on request, with copies of any records kept under this regulation that relate to a child placed in secure accommodation under section 25 of the Children Act 1989 (which allows local authorities in England or Wales to place children in secure accommodation in Scotland).”

Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013 No. 1465)

- 12 In Article 7 of the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013 No. 1465)

Children and Social Work Bill [Lords], continued

(compulsory supervision orders and interim compulsory supervision orders), after paragraph (2) insert—

“(3) Where—

- (a) a compulsory supervision order or interim compulsory supervision order contains a requirement of the type mentioned in section 83(2)(a) of the 2011 Act and a secure accommodation authorisation (as defined in section 85 of that Act),
 - (b) the place at which the child is required to reside in accordance with the order is a place in England or Wales, and
 - (c) by virtue of a decision to consent to the placement of the child in secure accommodation made under article 16, the child is to be placed in secure accommodation within that place,
- the order is authority for the child to be placed and kept in secure accommodation within that place.”

Social Services and Well-being (Wales) Act 2014 (anaw 4)

13 In section 124(9) of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (restrictions on arrangements for children to live outside England and Wales), after “does not apply” insert “—

- (a) to a local authority placing a child in secure accommodation in Scotland under section 25 of the Children Act 1989, or
- (b) ”.

Saving for existing powers

14 The amendments made by this Schedule to provisions of subordinate legislation do not affect the power to make further subordinate legislation amending or revoking the amended provisions.”

Member’s explanatory statement

See the explanatory statement for NCI.

Edward Timpson

9

Clause 62, page 33, line 12, at end insert—

“(A1) Section (*Placing children in secure accommodation elsewhere in Great Britain*) and paragraphs 2, 4, 5 and 14 of Schedule (*Placing children in secure accommodation elsewhere in Great Britain*) extend to England and Wales and Scotland.”

Member’s explanatory statement

This amendment would ensure that, where paragraphs of NS1 provide for legislation to extend to England and Wales and Scotland, the paragraphs themselves have the same extent.

Edward Timpson

10

Clause 62, page 33, line 13, leave out subsection (1)

Member’s explanatory statement

The subsection left out by this amendment is replaced by amendment 13.

 Children and Social Work Bill [*Lords*], *continued*

Edward Timpson

- 11
- Clause 62, page 33, line 14, at beginning insert “Except as mentioned in subsection (A1),”
- Member’s explanatory statement***
This amendment is consequential on amendment 9.

Edward Timpson

- 12
- Clause 62, page 33, line 15, leave out “enactment” and insert “provision”
- Member’s explanatory statement***
This amendment is consequential on amendment 9.

Edward Timpson

- 13
- Clause 62, page 33, line 16, leave out subsection (3) and insert—
- “() Subject to subsections (A1) and (2), Parts 1 and 2 extend to England and Wales only.
- () This Part extends to England and Wales, Scotland and Northern Ireland.”
- Member’s explanatory statement***
This would ensure that the final Part of the Bill extends throughout the United Kingdom, as well as making changes consequential on amendment 9.

Edward Timpson

- 14
- Clause 63, page 33, line 19, leave out “This Part comes” and insert “The following come”
- Member’s explanatory statement***
This amendment and amendment 15 would provide for NCI and NSI (placing children in secure accommodation elsewhere in Great Britain) to come into force on the passing of the Bill.

Edward Timpson

- 15
- Clause 63, page 33, line 19, at end insert “—
- (a) section (*Placing children in secure accommodation elsewhere in Great Britain*) and Schedule (*Placing children in secure accommodation elsewhere in Great Britain*);
- (b) this Part.”
- Member’s explanatory statement***
See the explanatory statement for amendment 14.
-

Children and Social Work Bill [*Lords*], *continued*

ORDER OF THE HOUSE [5 DECEMBER 2016]

That the following provisions shall apply to the Children and Social Work 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 Tuesday 17 January 2017.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

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

ORDER OF THE COMMITTEE [13 DECEMBER 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 13 December) meet—
 - (a) at 2.00 pm on Tuesday 13 December;
 - (b) at 11.30 am and 2.00 pm on Thursday 15 December;
 - (c) at 9.25 am and 2.00 pm on Tuesday 10 January;
 - (d) at 11.30 am and 2.00 pm on Thursday 12 January;
 - (e) at 9.25 am and 2.00 pm on Tuesday 17 January;
 - (2) the proceedings shall be taken in the following order: Clauses 1 to 32; Schedule 1; Clause 33; Schedule 2; Clauses 34 to 50; Schedule 3; Clauses 51 and 57; new Clauses; new Schedules; Clauses 58 to 64; and remaining proceedings on the Bill; and
 - (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 17 January.
-