NEW CLAUSES

Mrs Emma Lewell-Buck

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
Children and Social Work Bill [Lords], continued

(c) reduced costs of accommodation.
The report must be made publicly available.”

Mrs Emma Lewell-Buck
Kate Green

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

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

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”;
      (ii) in paragraph (b) after “16 or 17

(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—

(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—

“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—

“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—

“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.”
(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.”

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
Tulip Siddiq
NC18

To move the following Clause—

“Assessment of physical and mental health and emotional wellbeing needs
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
Mrs Emma Lewell-Buck
Tulip Siddiq

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
       (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

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.
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,
   (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
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(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

(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.

Mrs Emma Lewell-Buck

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

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
Mrs Emma Lewell-Buck

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.

Mrs Emma Lewell-Buck

To move the following Clause—

“Safeguarding children: charging for evidence of domestic violence

(1) For the purposes of section 16E(2), the arrangements to be made by safeguarding partners must include arrangements for an annual assessment of the impact of general practitioners or other health professionals charging for the provision of evidence of domestic violence, or the risk of domestic violence, on the welfare and safeguarding of children in the area.

(2) The safeguarding partners must conduct the first assessment made under subsection (1) at the end of the period of six months beginning with the day on which this Act is passed.

(3) At least once in every 12 month period, the safeguarding partners must report to the Secretary of State the findings of assessments carried out under section 16E(2A). The report must be made publicly available.

(4) If the Secretary of State considers that the findings under subsection (8) show that charging by general practitioners or other health professionals for the provision of evidence of domestic violence, or the risk of domestic violence, is having a detrimental impact on the welfare and safeguarding of children, the Secretary of State must amend regulations to prohibit such charges.

(5) For the purposes of subsection (1) “evidence” has the same meaning as in regulation 33 of the Civil Legal Aid (Procedure) Regulations 2012.”
Edward Timpson

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.

(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) ”.

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.”

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”.

Children and Social Work Bill [Lords], continued
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).”

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) (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.”

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) ”.
Children and Social Work Bill [Lords], continued

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 NC1.

Edward Timpson

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

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.

Edward Timpson

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

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

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

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 NC1 and NS1 (placing children in secure accommodation elsewhere in Great Britain) to come into force on the passing of the Bill.

Edward Timpson

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.

Edward Timpson

* Clause 64, page 33, line 25, leave out subsection (2)

Member’s explanatory statement
This amendment removes the “privilege amendment” inserted by the Lords.

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.
Children and Social Work Bill [Lords], continued

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.

NOTICES WITHDRAWN

The following Notices were withdrawn on 11 January 2017:

NC26