NEW CLAUSES

Edward Timpson

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.”
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.”

Edward Timpson

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).”

Edward Timpson

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.
(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.”

Edward Timpson

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.”

Edward Timpson

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.
Children and Social Work Bill [Lords], continued

(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.”

Edward Timpson

Agreed to 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).

(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.”

Edward Timpson

Agreed to 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).”
Edward Timpson

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;

(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.”

Edward Timpson

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).
Subjects 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.”

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

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.
Children and Social Work Bill [Lords], continued

(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.”

Steve McCabe

Withdrawn after debate 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”.”

[Adjourned until Thursday at 11.30am]