Agreed to

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;
Children and Social Work Bill [Lords], continued

(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.

Edward Timpson

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication. Agreed to

Mrs Emma Lewell-Buck

Clause 1, page 1, line 8, leave out “have regard to the need” Negatived on division 18

Mrs Emma Lewell-Buck

Clause 1, page 1, line 10, at beginning leave out “to” Not called 19

Mrs Emma Lewell-Buck

Clause 1, page 1, line 12, at beginning leave out “to” Not called 20

Mrs Emma Lewell-Buck

Clause 1, page 1, line 14, at beginning leave out “to” Not called 21

Mrs Emma Lewell-Buck

Clause 1, page 1, line 16, at beginning leave out “to” Not called 22

Mrs Emma Lewell-Buck

Clause 1, page 1, line 19, at beginning leave out “to” Not called 23

Mrs Emma Lewell-Buck

Clause 1, page 2, line 1, at beginning insert “have regard” Not called 24
Mrs Emma Lewell-Buck

Clause 1, page 2, line 3, at beginning leave out “to”
Clause agreed to.

Mrs Emma Lewell-Buck

Clause 2, page 3, line 3, at end insert—
“(6A) The Secretary of State must publish a national minimum standard for a “local offer for care leavers”.
(6B) When developing a national minimum standard for the purpose of subsection 6A the Secretary of State must consult relevant agencies responsible for the provision of services under subsection (2).”

Mrs Emma Lewell-Buck

Clause 2, page 3, line 10, at end insert—
“(e) unaccompanied asylum seeking children up to the point that they leave the United Kingdom”
Clause agreed to.

Mrs Emma Lewell-Buck

Clause 3, page 4, line 10, after “the” insert “physical and mental health, emotional well-being and”

Mrs Emma Lewell-Buck

Clause 3, page 4, line 11, after “child” insert “, including their needs as a young parent where applicable,”

Mrs Emma Lewell-Buck

Clause 3, page 4, line 16, at end insert—
“(5A) The assessment of the former relevant child’s mental health and emotional well-being under subsection (5) must be carried out by a qualified mental health professional.”

Mrs Emma Lewell-Buck

Clause 3, page 4, line 26, at end insert—
“(9) In this section “young parent” means—
(a) an expectant parent,
(b) a parent who has their child or children in care, or
Clause agreed to.

Edward Timpson

Clause 4, page 5, line 35, leave out from beginning to end of line 4 on page 6 and insert—
“(6) In this section—
“relevant child” means—
(a) a child who was looked after by the local authority or another local authority in England or Wales but ceased to be so looked after as a result of—
(i) a child arrangements order which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,
(ii) a special guardianship order, or
(iii) an adoption order within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002, or
(b) a child who appears to the local authority—
(i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
(ii) to have ceased to be in that state care as a result of being adopted.”

Mrs Emma Lewell-Buck

Clause 4, page 6, line 4, at end insert—
“(d) returning home to the care of a parent.”

Edward Timpson

Clause 4, page 6, line 13, at end insert—
“(8) For the purposes of this section a child is in “state care” if he or she is in the care of, or accommodated by—
(a) a public authority,
(b) a religious organisation, or
(c) any other organisation the sole or main purpose of which is to benefit society.”

Clause, as amended, agreed to.
Children and Social Work Bill [*Lords*], continued

Edward Timpson

Clause 5, page 6, leave out lines 24 to 36 and insert—

“(2) A registered pupil is within this subsection if the pupil—

(a) was looked after by a local authority but ceased to be looked after by them as a result of—

(i) a child arrangements order (within the meaning given by section 8(1) of the 1989 Act) which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,

(ii) a special guardianship order (within the meaning given by section 14A(1) of the 1989 Act), or

(iii) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002), or

(b) appears to the governing body—

(i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and

(ii) to have ceased to be in that state care as a result of being adopted.”

Mrs Emma Lewell-Buck

Clause 5, page 6, line 36, at end insert—

“(d) returning home to the care of a parent.”

Edward Timpson

Clause 5, page 6, line 43, leave out from “is” to end of line 45 and insert “‘looked after by a local authority’ if the person is looked after by a local authority for the purposes of the 1989 Act or Part 6 of the 2014 Act.”

Edward Timpson

Clause 5, page 6, line 45, at end insert—

“(5A) For the purposes of this section a person is in ‘state care’ if he or she is in the care of, or accommodated by—

(a) a public authority,

(b) a religious organisation, or

(c) any other organisation the sole or main purpose of which is to benefit society.”

Clause, as amended, agreed to.
Clause 6, page 7, line 46, at end insert “or (c) appears to the proprietor of the Academy— (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and (ii) to have ceased to be in that state care as a result of being adopted;”

Mrs Emma Lewell-Buck
Clause 6, page 7, line 46, at end insert—“(c) was looked after by a local authority but has ceased to be so looked after as a result of returning home to the care of a parent.”

Edward Timpson
Clause 6, page 8, line 11, leave out from “is” to end of line 13 and insert “‘looked after by a local authority’ if the person is looked after by a local authority for the purposes of the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

Edward Timpson
Clause 6, page 8, line 13, at end insert—“(5A) For the purposes of this section a person is in “state care” if he or she is in the care of, or accommodated by— (a) a public authority, (b) a religious organisation, or (c) any other organisation the sole or main purpose of which is to benefit society.”

Clause, as amended, agreed to.

Clause 7 agreed to.

THIRD AND FOURTH SITTINGS

Clause 8 agreed to.

Mrs Emma Lewell-Buck
Page 9, line 3, leave out Clause 9

Clause agreed to on division.
Clause 10 agreed to.

Clause 11 agreed to.

Edward Timpson

That clause 11 be transferred to the end of line 12 on page 22.

Agreed to

Clause 12 agreed to.

Mrs Emma Lewell-Buck

Withdrawn after debate

Clause 13, page 11, line 9, leave out “unless they consider it inappropriate to do so”

Mrs Emma Lewell-Buck

Not called

Clause 13, page 11, line 11, leave out subsection (5)

Mrs Emma Lewell-Buck

Withdrawn after debate

Clause 13, page 11, line 30, at end insert—

“(7A) When exercising its functions under this section, the Panel must, in particular, have regard to—

(a) concerns relating to child safeguarding resulting from contact arrangements in families where one of the parents of the child in question has perpetrated domestic abuse, and

(b) the implementation of Practice Direction 12J in child contact arrangements.”

Mrs Emma Lewell-Buck

Withdrawn after debate

Clause 13, page 11, line 31, leave out subsection (8)

Clause agreed to.

Mrs Emma Lewell-Buck

Not called

Clause 14, page 12, line 13, at end insert—

“(c) the child dies or is seriously harmed by a perpetrator of domestic abuse in circumstances related to child contact.”

Clause agreed to.
Clause 15 agreed to.

Stella Creasy
Caroline Lucas
Mrs Emma Lewell-Buck

Clause 16, page 13, line 11, at end insert “, including unaccompanied refugee children once placed in the area, and unaccompanied refugee children who have been identified for resettlement in the area.”

Clause agreed to.

Mrs Emma Lewell-Buck

Clause 17, page 14, line 12, leave out subsection (6)

Clause agreed to.

Clauses 18 to 21 agreed to.

Stella Creasy
Caroline Lucas
Mrs Emma Lewell-Buck

Clause 22, page 17, line 5, at end insert—
“(3) Guidance given by the Secretary of State in connection with functions conferred by section 16E in relation to unaccompanied refugee children must be developed in accordance with the 1989 Convention on the Rights of the Child.”

Mrs Emma Lewell-Buck

Page 16, line 34, leave out Clause 22

Clause agreed to.

Clauses 23 to 30 agreed to.
Mrs Emma Lewell-Buck

Clause 31, page 20, leave out line 4

Clause agreed to.

Clause 32 agreed to.

Edward Timpson

That clause 32 be transferred to the end of line 39 on page 19.

Agreed to

Schedule 1 agreed to.

Clause 33 agreed to.

Schedule 2 agreed to.

Clauses 34 to 43 agreed to.

Clause 44 agreed to.

Clauses 45 to 50 agreed to.

Schedule 3 agreed to.

Clauses 51 to 57 agreed to.

FIFTH AND SIXTH SITTINGS

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

———

Edward Timpson

Agreed to on division 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).”

———

Edward Timpson

Agreed to on division 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.

(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.
(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

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

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

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

(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.”

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

Yvonne Fovargue Anna Turley Diana Johnson
Kerry McCarthy Lucy Powell Ms Angela Eagle
Mary Creagh Karin Smyth Liz Kendall
Helen Hayes Ms Karen Buck Mrs Sharon Hodgson
Yvette Cooper Heidi Alexander Angela Rayner
Caroline Lucas Mrs Emma Lewell-Buck

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.”

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”.

SEVENTH AND EIGHTH SITTINGS

NEW CLAUSES

Mrs Emma Lewell-Buck  
Not called  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.
Children and Social Work Bill [Lords], continued

(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.”

Mrs Emma Lewell-Buck
Kate Green

Withdrawn after debate 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

Negatived on division 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).””
“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” 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.”
Children and Social Work Bill [Lords], continued

(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

Withdrawn after debate 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.””

Mrs Emma Lewell-Buck
Tulip Siddiq

Withdrawn after debate 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.””
Mrs Emma Lewell-Buck
Tulip Siddiq

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.”

Mrs Emma Lewell-Buck

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."

Mrs Emma Lewell-Buck

Withdrawn after debate  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."

Mrs Emma Lewell-Buck

Negatived on division  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,

(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
Children and Social Work Bill [Lords], continued

(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.”

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Mrs Emma Lewell-Buck

Withdrawn after debate 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.”

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Mrs Emma Lewell-Buck

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.”

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,
Children and Social Work Bill [Lords], continued

(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.””

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.”

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.”

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 (3) 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.”

NEW SCHEDULE

Edward Timpson

Agreed to 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.

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

(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”.
The Secure Accommodation (Scotland) Regulations 2013 (S.S.I. 2013 No. 205) are amended as follows.

9 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).”

10 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).”

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.”

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.”

Clause 58 agreed to.
Clause 59 agreed to.
Clause 60 agreed to.
Clause 61 agreed to.

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.”

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

Edward Timpson
Clause 62, page 33, line 14, at beginning insert “Except as mentioned in subsection (A1),”

Edward Timpson
Clause 62, page 33, line 15, leave out “enactment” and insert “provision”

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.”

Clause, as amended, agreed to.
Children and Social Work Bill [Lords], continued

Edward Timpson

Clause 63, page 33, line 19, leave out “This Part comes” and insert “The following come”

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.”

Clause, as amended, agreed to.

Edward Timpson

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

Clause, as amended, agreed to.

Bill, as amended, to be reported.