CONSIDERATION OF BILL (REPORT STAGE)

CHILDREN AND SOCIAL WORK BILL [LORDS], AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Stella Creasy
Kate Green
Helen Hayes

NC1

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,
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(c) sexual consent,
d) sexual violence,
(e) online and offline personal safety, and
(f) domestic violence and forms of abuse.

(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,
d) factual, and
e) 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.”

Mrs Emma Lewell-Buck
Helen Hayes

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.
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Mrs Emma Lewell-Buck
Ian Murray
Mr David Anderson

To move the following Clause—

“Placing children in secure accommodation elsewhere in Great Britain

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

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

Mr David Burrowes
Mrs Maria Miller
Dr Sarah Wollaston
Neil Carmichael
Sarah Champion
Dame Caroline Spelman

To move the following Clause—

“Safeguarding and promoting the welfare of children: Relationships education

(1) For the purposes of safeguarding and promoting the welfare of children, the Secretary of State must, by regulations, make Relationships Education a statutory component of the National Curriculum within the meaning of Part 6 of the Education Act 2002.

(2) Following consultation, the regulations must include provisions relating to the curriculum of Relationships Education, which must include, but shall not be restricted to—

(a) how to recognise and understand a healthy relationship, including self-respect and respect for others,

(b) how to recognise and handle bullying and peer pressure, such as sexting,
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(c) the meaning of consent,
(d) signs of an exploitative relationship, including physical, mental and sexual harassment,
(e) conflict management, and
(f) safety online, such as exposure to pornography.

(3) In the Academies Act 2010, after subsection (1)(b) of section 1A insert—
“(1)(b)(a) it has a curriculum satisfying the requirements of regulations made under section (Safeguarding and promoting the welfare of children: Relationships Education) of the Children and Social Work Act 2017.”

(4) The governing body of a maintained school or Academy must consult parents and local safeguarding partners on the manner of provision of Relationships Education.

(5) The governing body of a maintained school or Academy must—
(a) make, and keep up to date, a written statement of their policy with regard to the manner of provision and content of Relationships Education, and
(b) make copies of the statement publicly available and bring it to the attention of all registered pupils’ parents and local safeguarding partners in a manner considered appropriate by the school.

(6) The Secretary of State must issue guidance, which must include but shall not be restricted to, guidance to secure that when Relationships Education is given to registered pupils at a maintained school or Academy—
(a) they learn the importance of respect, tolerance and commitment in all types of healthy relationships,
(b) they learn how the quality of relationships affects mental and physical health in both adults and children,
(c) they are protected from teaching and materials which are inappropriate having regard to the age and the religious background of the pupils concerned.

(7) In discharging their functions under regulations introduced by this section governing bodies and head teachers must have regard to—
(a) the Secretary of State’s guidance issued under subsection (6), and
(b) where any teaching covers issues relating to sex education, the Secretary of State’s guidance issued under section 403(1A) of the Education Act 1996.

(8) Sections 404 and 405 of the Education Act 1996 apply to any subject taught through Relationships Education that the governing body considers to fall within the meaning of sex education.

(9) The Secretary of State may at any time revise the guidance under subsection (6).”

**Member’s explanatory statement**

This new clause would require the Secretary of State to make Relationships Education a statutory subject within the National Curriculum, including for Academies. Content must include those subjects outlined in subsection (2) and Relationships Education must be taught having regard to guidance issued by the Secretary of State under subsection (6) and sex education under subsection (7).

As Amendments to Mr David Burrowes’s proposed New Clause (Safeguarding and promoting the welfare of children: Relationships education) (NC5):—
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Sarah Champion
Christian Matheson
Caroline Lucas

(b) Line 35, at end insert “including same-sex relationships”

Caroline Lucas

(a) Line 38, leave out paragraph (c) and insert—

“(c) teaching materials are—

(i) appropriate to the age of the pupils concerned, and

(ii) factually accurate and evidence-based, and

(d) pupils are taught in a way that—

(i) promotes equality as defined with reference to the protected characteristics included in the Equality Act 2010,

(ii) encourages acceptance of diversity and difference, and

(iii) emphasises the importance of responsibilities and rights.”

Member’s explanatory statement

This amendment seeks to update the language taken from the 1996 Act as set out in part (6)(c) of NC5 and replace it with language intended to ensure relationships teaching and materials are always age appropriate, evidence based and accurate. It is also designed to put on the face of the Bill the principle that pupils should be taught relationships education in a way that promotes equality with reference to the protected characteristics of the Equality Act 2010.

Sarah Champion
Caroline Lucas

(c) Line 38, leave out paragraph (c)

Mr David Burrowes
Mrs Maria Miller
Dr Sarah Wollaston
Neil Carmichael
Sarah Champion
Dame Caroline Spelman

Mr Graham Allen  Fiona Bruce  Christian Matheson
Caroline Ansell  Ben Howlett  Tim Loughton
Tulip Siddiq  Maria Caulfield  Mr Shailesh Vara
Nusrat Ghani  Sir David Amess  Nicky Morgan
Andrew Selous  Mr Dominic Grieve  Robert Neill
Stephen Timms  Mr Gary Streeter  Jon Cruddas
Steve Double  Robert Flello  Jim Shannon
Derek Thomas  Mr Charles Walker  Julian Knight
Simon Hart  Michael Tomlinson  Johnny Mercer
Mr Graham Brady  Dr Caroline Johnson  Mrs Flick Drummond
Will Quince  Claire Perry  Madeleine Moon
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Scott Mann  Caroline Lucas  Heidi Allen
Mr David Lammy  Frank Field  Richard Graham
Jeremy Lefroy

To move the following Clause—

“Extending duty to provide sex education to Academies

(1) In Section (1A) of the Academies Act 2010, in subsection (1)(b) after “78” insert “and section 80(1)(c) (provision of sex education)”.

(2) Section 403 of the Education Act 1996 is amended as follows—

(a) in section (1), after “school” insert “or Academy”;  
(b) in section (1A), after “school” insert “or Academies”; 
(c) after section (1B) insert—

“(1BA) The governing body must consult with parents on the content of a sex education curriculum, which must be made publicly available and brought to the attention of all registered pupils’ parents in a manner considered appropriate by the school.”

(3) In section 404 of the Education Act 1996, in subsection (1), after “school” insert “or Academy”.

(4) In section 405 of the Education Act 1996, after first “school” insert “or Academy”.

Member’s explanatory statement

This new clause would extend to Academies the duties that currently apply to maintained schools in relation to sex education.

Mr David Burrowes
Maria Caulfield
Scott Mann
Lucy Allan
Sir David Amess
Helen Hayes

To move the following Clause—

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

Where a child is permanently removed from the care of a birth parent or a guardian further to any order made pursuant to—

(a) section 31 of the Children Act 1989 (care and supervision orders),
(b) section 22 of the Adoption and Children Act 2002 (placement orders),
(c) section 46 of the Adoption and Children Act 2002 (adoption orders), or
(d) section 14A of the Children Act 1989 (special guardianship order)
a local authority must, so far as is reasonably practicable, provide a counselling service and commission specialist therapeutic support for the parent or guardian where—

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

*Member’s explanatory statement*
This new clause would provide post-removal support for parents who are themselves a looked after child or care leaver.

Mrs Emma Lewell-Buck

★ To move the following Clause—

“Former relevant children: provision of sufficient suitable accommodation

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 duty of a local authority to take reasonable steps to secure 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.

(2) In taking steps to secure the outcome in subsection (1), 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 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*
Local authorities already have a duty to ensure that sufficient accommodation is available for looked after children in their area. This new clause would introduce a similar duty on local authorities to ensure sufficient, suitable accommodation is made available for all care leavers up the age of 21.
Heidi Allen

To move the following Clause—

“Local arrangements for reporting on capacity to provide children’s safeguarding and welfare services

After section 16E of the Children Act 2004 (inserted by section 16 of this Act) insert—

“Local arrangements for reporting on capacity to provide children’s safeguarding and welfare provision services

(1) At least once in every 12 month period, the safeguarding partners for a local authority area in England must report to the Secretary of State on their capacity to safeguard and promote the welfare of children.

(2) The report must include, but shall not be restricted to, identification of capacity to provide safeguarding and welfare services to children who could be resettled in the area, including unaccompanied refugee children.

(3) The Secretary of State must lay before Parliament the information received under subsection (1) in a single report.”

Member’s explanatory statement
This new clause would require the local safeguarding partners in an area to report annually to the Secretary of State on what capacity they have to safeguard and promote the welfare of children in that area. This includes what capacity they have to resettle children, including unaccompanied refugee children, in the area. The Secretary of State would be required to lay before Parliament the information received from local authorities in a single report.

Mrs Emma Lewell-Buck

To move the following Clause—

“Benefit sanctions 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(7) of the Children and Social Work Act 2017 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(7) of the Children and Social Work Act 2017 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(7) of the Children and Social Work Act 2017 and is under the age of 25.”

Member’s explanatory statement

This new clause will ensure that the maximum sanction for a care leaver under the age of 25 can be no more than four weeks whilst under the age of 25, in line with 16 and 17 year olds.

Mrs Emma Lewell-Buck

To move the following Clause—

“National offer for care leavers

(1) The table in regulation 36 of the Universal Credit Regulations 2013 is amended as follows—

(a) in column one after “single claimant aged 25 or over” insert—

“or former relevant child as defined under the Children and Social Work Act 2017 aged under 25”

(b) in column one after “joint claimants where either is aged 25 or over” insert—

“or either are a former relevant child as defined under the Children and Social Work Act 2017 aged under 25”

(2) The Secretary of State will make provisions for bursaries to be available to all care leavers, who are undertaking their first year of a statutory apprenticeship, as defined in the Enterprise Act 2016 (the “care leaver apprenticeship bursary”)—

(a) in this section “care leavers” has the same meaning as section 2(7) of this Act.

(b) The bursary will be administered by local authorities on behalf of the Secretary of State in line with their corporate parenting responsibilities defined in section 1 of the Children and Social Work Act 2017.

(c) The value of the bursary will be of equivalent value to the Higher Education Bursary outlined in The Children Act 1989 (Higher Education Bursary) (England) Regulations 2009.

(d) Bursaries under this section will be disregarded for the purposes of calculating a claimant’s Universal Credit entitlements.

(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) 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.”

Member’s explanatory statement

The National Offer will uprate the financial support available to care leavers under the age of 25 by: (1) extending the over 25 rate of standard allowance of Universal Credit to all care leavers under the age of 25; (2) placing a duty on the Secretary of State to make provisions for all care leavers under the age of 25 and in the first year of an apprenticeship to be paid a £2,000 bursary, which will be distributed by local authorities on her behalf; and (3) delaying the transition onto the Shared Accommodation rate of Local Housing Allowance until the age of 25.
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Angela Smith

Clause 12, page 10, line 30, at end insert—

“(3A) At least one member of the panel appointed by the Secretary of State under subsection (3) must—

(a) be independent from [Government], and

(b) have relevant specialist expertise in tackling domestic abuse.”

Member’s explanatory statement
This amendment would require that at least one member of the Child Safeguarding Practice Review Panel has specialist expertise in tackling domestic abuse.

Stella Creasy

Clause 16, page 13, line 34, 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.”

Frank Field

Clause 16, page 13, line 34, at end insert—

“(1A) The safeguarding partners for a local authority area in England must conduct and publish a review of the steps taken by that local authority to safeguard and promote the welfare of children since 1 June 2010, including an assessment of the impact of Government policies since that date.

(1B) The Government policies to be considered under subsection (1A) are those deemed by the safeguarding partners to be relevant to the safeguarding and welfare of children.”

Member’s explanatory statement
This amendment would require the safeguarding partners for a local authority area in England to conduct a review of steps they have taken to safeguard and promote the welfare of children since 1 June 2010, including an assessment of the impact of Government policies since that date.

Stella Creasy

Clause 22, page 17, line 30, 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.”
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Mrs Emma Lewell-Buck

Page 20, line 23, leave out Clause 32

Mrs Emma Lewell-Buck

Page 21, line 33, leave out Clause 33

Mrs Emma Lewell-Buck

Page 22, line 3, leave out Clause 34

Mrs Emma Lewell-Buck

Page 22, line 27, leave out Clause 35

Mrs Emma Lewell-Buck

Page 22, line 36, leave out Clause 36

Mrs Emma Lewell-Buck

Page 23, line 16, leave out Clause 37

Mrs Emma Lewell-Buck

Page 23, line 31, leave out Clause 38
Children and Social Work Bill [Lords], continued

Mrs Emma Lewell-Buck

Page 23, line 36, leave out Clause 39

Mrs Emma Lewell-Buck

★ Page 29, line 22, leave out Clause 48

ORDER OF THE HOUSE [5 DECEMBER 2016]

That the following provisions shall apply to the Children and Social Work Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 17 January 2017.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

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

NOTICES WITHDRAWN

The following Notices were withdrawn on 15 February 2017:

NC2