

Children and Social Work Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON THIRD READING

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 1

BARONESS TYLER OF ENFIELD
THE EARL OF LISTOWEL
LORD WARNER
LORD RAMSBOTHAM

- 1 Insert the following new Clause—
- “Duty to assess and promote physical and mental health and emotional well-being**
- (1) Section 22 of the Children Act 1989 is amended as follows.
 - (2) After subsection (3)(b) insert —
 - “(c) to assess and promote his physical and mental health and emotional well-being”.
 - (3) After subsection (3C) insert —
 - “(3D) Any assessment conducted under subsection (3)(c) of a child’s mental health and well-being shall be performed as soon as is reasonably possible after the child enters care and conducted by a health professional with sufficient mental health knowledge, skills and competence to conduct these assessments.
 - (3E) Each clinical commissioning group must take steps to assist the local authority in its area in the exercise of its functions under subsection (3)(c).
 - (3F) The clinical commissioning group for each area must appoint at least one registered medical practitioner and one nurse for the purpose of coordinating the discharge of the duty imposed by subsection (3E).”

Clause 2

LORD NASH

- 2 Page 2, line 39, at end insert—
“() relationships;”

Clause 2 - continued

3 Page 3, line 34, leave out subsections (8) and (9)

After Clause 9

LORD NASH

4 Insert the following new Clause –

“Chapter 1: consequential amendments

Schedule (*Part 1 of this Act: consequential amendments*) contains amendments consequential on this Chapter.”

Clause 12

LORD NASH

5 Page 12, line 8, leave out subsection (2)

Clause 15

LORD NASH

6 Page 13, line 33, leave out subsection (2)

After Clause 27

LORD NASH

7 Insert the following new Clause –

“Regulations under provisions inserted by sections 12, 15 and 16

In section 66(3) of the Children Act 2004 (regulations subject to affirmative procedure), after “12B(1)(b)” insert “, 16B (whether alone or with regulations under section 16F), 16E(3)”.”

Clause 28

LORD NASH

8 Page 20, line 5, leave out subsection (2)

After Clause 29

LORD NASH

9 Insert the following new Clause –

“Chapter 2: consequential amendments

Schedule (*Part 1 of this Act: consequential amendments*) contains amendments consequential on this Chapter.”

After Clause 29 - continued

LORD WOOLF
 BARONESS WALMSLEY
 BARONESS HAMWEE
 LORD RAMSBOTHAM

10★ Insert the following new 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 United Nations Convention on the Rights of the Child.
- (2) For the purposes of this section—
 - “public authority” has the same meaning as in section 6 of the Human Rights Act 1998, and
 - “United Nations Convention on the Rights of the Child” has the same meaning as in section 2A(2) of the Children Act 2004.”

After Clause 53

LORD NASH

11 Insert the following new Clause—

“Review by independent person

- (1) The Secretary of State must commission an independent person to—
 - (a) review the operation of this Part during the review period, and
 - (b) send a report to the Secretary of State on the findings of the review.
- (2) In carrying out the review the independent person must consult representatives of social workers in England and anyone else that the person considers appropriate.
- (3) On receiving the report the Secretary of State must lay it before Parliament.
- (4) The Secretary of State must also lay before Parliament a response to the report.
- (5) The review period is 5 years beginning with the day on which section 33(1) comes fully into force.”

Before Schedule 1

LORD NASH

12 Insert the following new Schedule—

“SCHEDULE**PART 1 OF THIS ACT: CONSEQUENTIAL AMENDMENTS****PART 1****AMENDMENTS RELATING TO CHAPTER 1***Local offer for care leavers*

- 1 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions of local authorities), in the table, at the appropriate place insert—

Before Schedule 1 - continued

<i>“Children and Social Work Act 2016</i>	
Section 2	Local offer for care leavers.”

- 2 In paragraph 1(2)(a) of Schedule 2 to the Children Act 1989 (information to be published by a local authority), in paragraph (i), for “, 23B to 23D, 24A and 24B” substitute “and 23D”.
- 3 In section 135(1)(e) of the Education and Inspections Act 2006 (functions subject to inspection), for “or the Adoption and Children Act 2002 (c. 38)” substitute “, the Adoption and Children Act 2002 or section 2 of the Children and Social Work Act 2016”.
- 4 In section 30 of the Children and Families Act 2014 (local offer for children and young people who have special educational needs or a disability), for “local offer”, in each place it occurs (including the title), substitute “SEN and disability local offer”.

Advice and support

- 5 In paragraph 1(1)(g) of Schedule 3 to the Nationality, Immigration and Asylum Act 2002 (kinds of support for which certain people are ineligible), after “23C,” insert “23CZB,”.
- 6 In section 83A(5)(a) of the Apprenticeships, Skills, Children and Learning Act 2009 (apprenticeship offer: application to persons provided with support under Children Act 1989) –
 - (a) for “21” substitute “25”;
 - (b) after “23C” insert “or 23CZB”.

PART 2

AMENDMENTS RELATING TO ABOLITION OF LOCAL SAFEGUARDING CHILDREN BOARDS

- 7 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions of local authorities), in the entry relating to the Children Act 2004 –
 - (a) for “13 to 16” substitute “16A to 16Q”;
 - (b) omit “targets for”;
 - (c) omit “, and to Local Safeguarding Children Boards”.
- 8 (1) Section 83 of the Children Act 1989 (research and returns of information) is amended as follows.
 - (2) In subsection (1), in paragraph (aa), for “of Local Safeguarding Children Boards;” substitute “of –
 - (i) the Child Safeguarding Practice Review Panel;
 - (ii) safeguarding partners (within the meaning given by section 16E(3) of the Children Act 2004) in relation to local authority areas in England;

Before Schedule 1 - continued

- (iii) child death review partners (within the meaning given by section 16Q(2) of the Children Act 2004) in relation to local authority areas in England;”.
- (3) In subsection (2) omit paragraph (aa).
- (4) In subsection (3) omit paragraph (c) (and the “and” before it).
- 9 (1) Section 31 of the Children and Young Persons Act 2008 (supply of information concerning deaths of children) is amended as follows.
 - (2) In subsections (2) and (4), for “appropriate Board” substitute “appropriate authority”.
 - (3) In subsection (5), for “Subsection (6) applies” substitute “Subsections (5A) and (6) apply”.
 - (4) After subsection (5) insert –
 - “(5A) Where the registrar’s sub-district is in England, the registrar must, before the end of the required period, secure that the appropriate authority is notified –
 - (a) of the issuing of the certificate; and
 - (b) of the registrar’s belief and the grounds for it.”
 - (5) In subsection (6) –
 - (a) at the beginning insert “Where the registrar’s sub-district is in Wales;”;
 - (b) omit “Local Safeguarding Children Board in England or”.
 - (6) In subsection (7)(c), for “subsection” substitute “subsections (5A) and”.
 - (7) After subsection (8) insert –
 - “(8A) The child death review partners for each local authority area in England must –
 - (a) make arrangements for the receipt by them of notifications under this section; and
 - (b) publish those arrangements.”
 - (8) In subsection (9) omit “Each Local Safeguarding Children Board in England and”.
 - (9) Subsection (10) is amended as follows.
- (10) In the definition of “the appropriate Board” –
 - (a) for “Board” substitute “authority”;
 - (b) in paragraph (a), for “the Local Safeguarding Children Board in England in whose area” substitute “in relation to a register kept for a sub-district in England, the child death review partners for the local authority area within which”;
 - (c) in paragraph (b), at the beginning insert “in relation to a register kept for a sub-district in Wales;”.
- (11) At the appropriate place insert –
 - ““child death review partners” has the meaning given by section 16Q(2) of the Children Act 2004;”.
- (12) Omit the definition of “Local Safeguarding Children Board in England”.

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22 November 2016
