

Children and Social Work Bill [HL]

MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS

[The page and line references are to Bill 99, the Bill as first printed for the Commons.]

Clause 4

- 1** 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.”
- 2** 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 5

3 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.”

4 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.”

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 6

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;”

7 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).”

8 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.”

After Clause 9

9 Insert the following new 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.”

Clause 11

10 Transpose Clause 11 to after Clause 31

Clause 32

11 Transpose Clause 32 to after Clause 30

After Clause 32

12 Insert the following new Clause—

“Education relating to relationships and sex

- 4 (1) The Secretary of State must by regulations make provision requiring—
 - (a) relationships education to be provided to pupils of compulsory school age receiving primary education at schools in England;
 - (b) relationships and sex education to be provided (instead of sex education) to pupils receiving secondary education at schools in England.
- (2) The regulations must include provision—
 - (a) requiring the Secretary of State to give guidance to proprietors of schools in relation to the provision of the education and to review the guidance from time to time;
 - (b) requiring proprietors of schools to have regard to the guidance;
 - (c) requiring proprietors of schools to make statements of policy in relation to the education to be provided, and to make the statements available to parents or other persons;
 - 17 (d) about the circumstances in which a pupil (or a pupil below a specified age) is to be excused from receiving relationships and sex education or specified elements of that education.
- (3) The regulations must provide that guidance given by virtue of subsection (2)(a) is to be given with a view to ensuring that when relationships education or relationships and sex education is given—
 - (a) the pupils learn about—
 - (i) safety in forming and maintaining relationships,
 - (ii) the characteristics of healthy relationships, and

- (iii) how relationships may affect physical and mental health and well-being, and
- 28 (b) the education is appropriate having regard to the age and the religious background of the pupils.
- 31 (4) The regulations may make further provision in connection with the provision of relationships education, or relationships and sex education.
- (5) Before making the regulations, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) The regulations may amend any provision (including provision conferring powers) that is made by or under –
- (a) section 342 of the Education Act 1996;
 - (b) Chapter 4 of Part 5 of the Education Act 1996;
 - (c) Schedule 1 to the Education Act 1996;
 - (d) Part 6 of the Education Act 2002;
 - (e) Chapter 1 of Part 4 of the Education and Skills Act 2008;
 - (f) the Academies Act 2010.
- (7) Any duty to make provision by regulations under subsection (1) may be discharged by making that provision by regulations under another Act, so long as the Secretary of State consults such persons as the Secretary of State considers appropriate before making the regulations under that Act.
- (8) The provision that may be made by regulations under subsection (1) by virtue of section 70 includes, in particular, provision amending, repealing or revoking any provision made by or under any Act or any other instrument or document (whenever passed or made).
- 50 (9) Regulations under subsection (1) which amend provision made by or under an Act are subject to the affirmative resolution procedure.
- (10) Other regulations under subsection (1) are subject to the negative resolution procedure.
- (11) Expressions used in this section, where listed in the left-hand column of the table in section 580 of the Education Act 1996, are to be interpreted in accordance with the provisions of that Act listed in the right-hand column in relation to those expressions.”

[Amendments 12A to 12F are amendments to Commons Amendment 12]

LORD STOREY

12A Line 4, after “relationships” insert “and sex”

BARONESS WALMSLEY

12B Line 17, leave out paragraph (d)

LORD STOREY

12C Line 28, leave out “and the religious background”

LORD PADDICK

12D Line 28, leave out “and” and insert “irrespective of”

LORD STOREY

12E Line 31, at end insert –

“() Regulations made under this section must make provision for programmes of relationships education and relationships and sex education which are to be taught in all primary and secondary schools in England.”

LORD WATSON OF INVERGOWRIE

12F Line 50, leave out subsections (9) and (10) and insert –

“() Guidance under this section must be contained in regulations.
() Regulations under this section, or under another Act by virtue of subsection (7), are subject to the affirmative resolution procedure.”

After Clause 32

13 Insert the following new Clause –

“Other personal, social, health and economic education

- (1) The Secretary of State may by regulations make provision requiring personal, social, health and economic education (beyond that required by virtue of section (*Education relating to relationships and sex*)) to be provided –
 - (a) to pupils of compulsory school age receiving primary education at schools in England;
 - (b) to pupils receiving secondary education at schools in England.
- (2) The regulations may include –
 - (a) provision requiring the Secretary of State to give guidance to proprietors of schools in relation to the provision of the education;
 - (b) provision requiring proprietors of schools to have regard to that guidance;
 - (c) provision requiring proprietors of schools to make statements of policy in relation to the education to be provided, and to make the statements available to parents or other persons;
 - (d) further provision in connection with the provision of the education.
- (3) Before making the regulations, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) The regulations may amend any provision (including provision conferring powers) that is made by or under –
 - (a) section 342 of the Education Act 1996;
 - (b) Chapter 4 of Part 5 of the Education Act 1996;
 - (c) Schedule 1 to the Education Act 1996;
 - (d) Part 6 of the Education Act 2002;
 - (e) Chapter 1 of Part 4 of the Education and Skills Act 2008;
 - (f) the Academies Act 2010.

- (5) The provision that may be made by regulations under subsection (1) by virtue of section 70 includes, in particular, provision amending, repealing or revoking any provision made by or under any Act or any other instrument or document (whenever passed or made).
- (6) Regulations under subsection (1) which amend provision made by or under an Act are subject to the affirmative resolution procedure.
- (7) Other regulations under subsection (1) are subject to the negative resolution procedure.
- (8) Expressions used in this section, where listed in the left-hand column of the table in section 580 of the Education Act 1996, are to be interpreted in accordance with the provisions of that Act listed in the right-hand column in relation to those expressions.
- (9) A power to make provision under this section does not limit any power to make provision of the same kind under another Act.”

After Clause 38

14 Insert the following new 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).
- (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.”

After Clause 41

15 Insert the following new Clause –

“Ensuring adequate provision of social work training

- (1) The Secretary of State may take such steps as the Secretary of State considers appropriate –
 - (a) to ensure that adequate provision is made for social work training, and
 - (b) to encourage individuals resident in England to undertake social work training.

- (2) The power under subsection (1) may, in particular, be used to provide financial or other assistance (subject to any conditions the Secretary of State thinks are appropriate) –
 - (a) for individuals resident in England to undertake social work training;
 - (b) for organisations providing social work training.
- (3) Functions of the Secretary of State under this section may be exercised by any person, or by employees of any person, authorised to do so by the Secretary of State.
- (4) For the purpose of determining –
 - (a) the terms and effect of an authorisation under subsection (3), and
 - (b) the effect of so much of any contract made between the Secretary of State and the authorised person as relates to the exercise of the function,

Part 2 of the Deregulation and Contracting Out Act 1994 has effect as if the authorisation were given by virtue of an order under section 69 of that Act; and in subsection (3) “employee” has the same meaning as in that Part.
- (5) In this section “social work training” means education or training that is suitable for people who are or wish to become social workers in England.”

16 Insert the following new Clause –

“Exercise by Special Health Authority of functions under section (*Ensuring adequate provision of social work training*)

- (1) The Secretary of State may direct a Special Health Authority to exercise functions under section (*Ensuring adequate provision of social workers*)(1)(b) so far as relating to the provision of financial or other assistance.
- (2) The National Health Service Act 2006 has effect as if –
 - (a) any direction under subsection (1) were a direction under section 7 of that Act, and
 - (b) any functions exercisable by the Special Health Authority by virtue of a direction under subsection (1) were exercisable under that section.
- (3) Directions under subsection (1) –
 - (a) must be given by an instrument in writing, and
 - (b) may be varied or revoked by subsequent directions.”

Clause 55

17 Page 31, line 10, leave out “after subsection (2ZE) insert” and insert “for subsection (2ZE) substitute”

18 Page 31, line 17, at end insert –
 “() in subsection (2A)(c), for “that section” substitute “section 60”;

19 Page 31, line 19, at end insert—

“() In Schedule 3 (regulation of health care and associated professions)—

(a) in paragraph 10, for the definitions of “social care work in England”, “social care workers in England” and “the social work profession in England” substitute—

““social care work in England” and “social care workers in England” have the meaning given by section 60.”;

(b) in paragraph 11(2A)(b), for “members of the social work profession in England” substitute “engaging in social work in England”.”

After Clause 55

20 Insert the following new Clause—

“Amendments to do with this Part

Schedule (*Amendments to do with Part 2*) contains further minor and consequential amendments relating to this Part.”

Clause 56

21 Page 31, line 44, after “England” insert “(but see subsection (2));

(2) A person who is a member of a profession to which section 60(2) of the Health Act 1999 applies is not to be treated as a social worker in England by reason only of carrying out work as an approved mental health professional.”

Clause 62

22 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.”

23 Page 33, line 13, leave out subsection (1).

24 Page 33, line 14, at beginning insert “Except as mentioned in subsection (A1),”

25 Page 33, line 15, leave out “enactment” and insert “provision”

26 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 63

27 Page 33, line 19, leave out “This Part comes” and insert “The following come”

- 28 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 64

- 29 Page 33, line 25, leave out subsection (2)

Before Schedule 1

- 30 Insert the following new Schedule –

“SCHEDULE

PLACING CHILDREN IN SECURE ACCOMMODATION ELSEWHERE IN GREAT BRITAIN

Children Act 1989

- 1 The Children Act 1989 is amended as follows.
- 2 (1) Section 25 (use of accommodation in England for restricting liberty of children looked after by English and Welsh local authorities) –
 - (a) is to extend also to Scotland, and
 - (b) is amended as follows.
 - (2) In subsection (1) –
 - (a) for “or local authority in Wales” substitute “in England or Wales”;
 - (b) after “accommodation in England” insert “or Scotland”;
 - (3) In subsection (2) –
 - (a) in paragraphs (a)(i) and (ii) and (b), after “secure accommodation in England” insert “or Scotland”;
 - (b) in paragraph (c), for “or local authorities in Wales” substitute “in England or Wales”;
 - (4) After subsection (5) insert –

“(5A) Where a local authority in England or Wales are authorised under this section to keep a child in secure accommodation in Scotland, the person in charge of the accommodation may restrict the child’s liberty to the extent that the person considers appropriate, having regard to the terms of any order made by a court under this section.”
 - (5) In subsection (7) –
 - (a) in paragraph (c), after “secure accommodation in England” insert “or Scotland”;

- (b) after that paragraph, insert—
 - “(d) a child may only be placed in secure accommodation that is of a description specified in the regulations (and the description may in particular be framed by reference to whether the accommodation, or the person providing it, has been approved by the Secretary of State or the Scottish Ministers).”
- (6) After subsection (8) insert—
 - “(8A) Sections 168 and 169(1) to (4) of the Children’s Hearings (Scotland) Act 2011 (asp 1) (enforcement and absconding) apply in relation to an order under subsection (4) above as they apply in relation to the orders mentioned in section 168(3) or 169(1)(a) of that Act.”
- 3 In paragraph 19(9) of Schedule 2 (restrictions on arrangements for children to live abroad), after “does not apply” insert “—
 - (a) to a local authority placing a child in secure accommodation in Scotland under section 25, or
 - (b) ”.

Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)

- 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”.

Secure Accommodation (Scotland) Regulations 2013 (S.S.I. 2013 No. 205)

- 9 The Secure Accommodation (Scotland) Regulations 2013 (S.S.I. 2013 No. 205) are amended as follows.
- 10 In regulation 5 (maximum period in secure accommodation), after paragraph (2) insert—
- “(3) This regulation does not apply in relation to a child placed in secure accommodation in Scotland under section 25 of the Children Act 1989 (which allows accommodation in Scotland to be used for restricting the liberty of children looked after by English and Welsh local authorities).”
- 11 In regulation 15 (records to be kept by managers of secure accommodation in Scotland), after paragraph (2) insert—
- “(3) The managers must provide the Secretary of State or Welsh Ministers, on request, with copies of any records kept under this regulation that relate to a child placed in secure accommodation under section 25 of the Children Act 1989 (which allows local authorities in England or Wales to place children in secure accommodation in Scotland).”

Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013 No. 1465)

- 12 In Article 7 of the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013 No. 1465) (compulsory supervision orders and interim compulsory supervision orders), after paragraph (2) insert—
- “(3) Where—
- (a) a compulsory supervision order or interim compulsory supervision order contains a requirement of the type mentioned in section 83(2)(a) of the 2011 Act and a secure accommodation authorisation (as defined in section 85 of that Act),

- (b) the place at which the child is required to reside in accordance with the order is a place in England or Wales, and
 - (c) by virtue of a decision to consent to the placement of the child in secure accommodation made under article 16, the child is to be placed in secure accommodation within that place,
- the order is authority for the child to be placed and kept in secure accommodation within that place.”

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 13 In section 124(9) of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (restrictions on arrangements for children to live outside England and Wales), after “does not apply” insert “–
- (a) to a local authority placing a child in secure accommodation in Scotland under section 25 of the Children Act 1989, or
 - (b) ”.

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.”

Schedule 3

- 31 Page 39, line 26, leave out from beginning to “in” in line 27 and insert –
- “() Section 25 (the Professional Standards Authority for Health and Social Care) is amended as follows.
- () .”

Schedule 3

- 32 Page 39, line 29, at end insert –
- “() For subsection (3A) substitute –
- “(3A) A reference in an enactment to a body mentioned in subsection (3) is not (unless there is express provision to the contrary) to be read as including –
- (a) a reference to Social Work England, or
 - (b) a reference to the Health and Care Professions Council, or a regulatory body within subsection (3)(j), so far as it has functions relating to social care workers in England.”
- () In subsection (3B) for the definition of “the social work profession in England” and “social care workers in England” substitute –
- ““social care workers in England” has the meaning given in section 60 of the 1999 Act.”

After Schedule 3

33 Insert the following new Schedule –

“AMENDMENTS TO DO WITH PART 2

PART 1

GENERAL AMENDMENTS

London County Council (General Powers) Act 1920

- 1 In section 18(e) of the London County Council (General Powers) Act 1920, after “under the Health and Social Work Professions Order 2001” insert “or section 45(1) of the Children and Social Work Act 2017”.

Medicines Act 1968

- 2 In section 58 of the Medicines Act 1968, omit subsection (1ZA).

Video Recordings Act 1984

- 3 In section 3 of the Video Recordings Act 1984, omit subsection (11A).

London Local Authorities Act 1991

- 4 In section 4 of the London Local Authorities Act 1991, in paragraph (c) of the definition of “establishment for special treatment”, after “under the Health and Social Work Professions Order 2001” insert “or section 45(1) of the Children and Social Work Act 2017”.

Value Added Tax Act 1994

- 5 In Part 2 of Schedule 9 to the Value Added Tax Act 1994, in the Notes to Group 7, omit note (2ZA).

Data Protection Act 1998

- 6 In section 69(1) of the Data Protection Act 1998, in paragraph (h), omit the words from “, except in so far” to the end.

Care Standards Act 2000

- 7 The Care Standards Act 2000 is amended as follows.

- 8 (1) Section 55 is amended as follows.
- (2) In subsection (2) as substituted by the Regulation and Inspection of Social Care (Wales) Act 2016, omit paragraph (a).
- (3) Until the coming into force of the substitution of subsection (2) by the Regulation and Inspection of Social Care (Wales) Act 2016, the old version has effect as if in paragraph (a) after “social work” there were inserted “in Wales”.
- (4) In subsection (3) as substituted by the Regulation and Inspection of Social Care (Wales) Act 2016, omit paragraph (k).

- 9 (1) Section 67 is amended as follows.
 - (2) Omit subsection (1A).
 - (3) In subsection (2) as substituted by the Regulation and Inspection of Social Care (Wales) Act 2016—
 - (a) omit paragraph (a) (including the “and” at the end), and
 - (b) in paragraph (b), omit “other”.
 - (4) Until the coming into force of the substitution of subsection (2) by the Regulation and Inspection of Social Care (Wales) Act 2016, the old version has effect as if the words from “courses”, in the first place it occurs, to “social workers” were omitted.

Health and Social Work Professions Order 2001

- 10 The Health and Social Work Professions Order 2001 (SI 2002/254) is amended as follows.
- 11 (1) Article 3 is amended as follows.
 - (2) In paragraph (5)(b)—
 - (a) in paragraph (ii), after “registrants or” insert “other”;
 - (b) at end of paragraph (iv) insert “and”;
 - (c) omit paragraphs (vi) and (vii).
 - (3) Omit paragraph (5AA).
- 12 In article 6(3)(aa), omit “or social work”.
- 13 In article 7(4), omit “or social work”.
- 14 (1) Article 9 is amended as follows.
 - (2) Omit paragraph (3A).
 - (3) In paragraph (8), omit “or social work”.
- 15 (1) Article 10 is amended as follows.
 - (2) In paragraph (6), omit “or social work”.
 - (3) Omit paragraph (7).
- 16 In article 11A, omit paragraph (11).
- 17 (1) Article 12 is amended as follows.
 - (2) In paragraph (1)—
 - (a) at the end of sub-paragraph (b) insert “or”;
 - (b) omit sub-paragraph (d) and the “or” before it.
 - (3) In paragraph (2)—
 - (a) at the end of sub-paragraph (a) insert “and”;
 - (b) omit sub-paragraph (c) and the “and” before it.
- 18 (1) Article 13 is amended as follows.
 - (2) In paragraph (1), omit “or (1B)”.
 - (3) Omit paragraph (1B).

- 19 For the heading of article 13A substitute “Visiting health professionals from relevant European States”.
- 20 Omit article 13B.
- 21 In article 19(2A)(b), omit “or social work”.
- 22 In article 20, omit the words from “; but the reference” to the end.
- 23 (1) Article 37 is amended as follows.
- (2) In paragraph (1)(aa), omit “or social work”.
- (3) Omit paragraph (1B).
- (4) In paragraph (5A)(a), omit the words from “or registered as a social worker” to the end of that sub-paragraph.
- (5) In paragraph (8), omit “(other than a hearing on an appeal relating to a social worker in England)”.
- (6) Omit paragraph (8A).
- 24 (1) Article 38 is amended as follows.
- (2) Omit paragraph (1ZA).
- (3) In paragraph (4), omit “(subject to paragraph (5))”.
- (4) Omit paragraph (5).
- 25 In article 39, omit paragraph (1A).
- 26 In Schedule 1, in paragraph 1A(1)(b), omit paragraph (ia) (but not the “and” at the end).
- 27 (1) In Schedule 3, paragraph 1 is amended as follows.
- (2) In the definition of “visiting health or social work professional from a relevant European state”, omit “or social work” in both places.
- (3) In the definition of “relevant professions”, omit “social workers in England;”.
- (4) Omit the definition of “social worker in England”.

Adoption and Children Act 2002

- 28 (1) In section 10 of the Adoption and Children Act 2002, in subsection (2), omit “, one of the registers maintained under” substitute “—
- (a) the register of social workers in England maintained under section 45 of the Children and Social Work Act 2017,
- (b) any register of social care workers in England maintained under an Order in Council under section 60 of the Health Act 1999 or any register maintained under such an Order in Council so far as relating to social care workers in England, or
- (c) the register maintained under”.

- (2) Until the coming into force of the amendment made by sub-paragraph (1), section 10(2) of the Adoption and Children Act 2002 is to have effect as if the reference to the registers mentioned there included a reference to the part of the register maintained under article 5 of the Health and Social Work Professions Order 2001 that relates to social workers in England.

Income Tax (Earnings and Pensions) Act 2003

- 29 In section 343(2) of the Income Tax (Earnings and Pensions) Act 2003, in paragraph 1 of the Table, after sub-paragraph (r) insert—
 “(s) the register of social workers in England kept under section 45(1) of the Children and Social Work Act 2017.”

National Health Service Act 2006

- 30 In section 126 of the National Health Service Act 2006, for subsection (4A) substitute—
 “(4A) Subsection (4)(h) does not apply to persons in so far as they are registered as social care workers in England (within the meaning of section 60 of the Health Act 1999).”

National Health Service (Wales) Act 2006

- 31 In section 80 of the National Health Service (Wales) Act 2006, for subsection (4A) substitute—
 “(4A) Subsection (4)(h) does not apply to persons in so far as they are registered as social care workers in England (within the meaning of section 60 of the Health Act 1999).”

Armed Forces Act 2006

- 32 In section 257(3) of the Armed Forces Act 2006, for paragraph (a) substitute—
 “(a) Social Work England;”.

Safeguarding Vulnerable Groups Act 2006

- 33 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
 34 In section 41(7), in the table, after entry 10 insert—

“11 The register of social workers in England kept under section 45(1) of the Children and Social Work Act 2017	The registrar appointed under section 45(3)(a) of the Children and Social Work Act 2017 or, in the absence of such an appointment, Social Work England”
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- 35 In Schedule 3, in paragraph 16(4), after paragraph (l) insert—
“(m) Social Work England.”

Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)

- 36 In section 30A(6) of the Protection of Vulnerable Groups (Scotland) Act 2007—
(a) omit “the social work profession in England or”;
(b) for “each of those expressions having the same meaning as in” substitute “within the meaning of”.

Children and Young Persons Act 2008

- 37 (1) In section 2 of the Children and Young Persons Act 2008, in subsection (6), for paragraph (a) substitute—
“(a) in the register maintained by Social Work England under section 45(1) of the Children and Social Work Act 2017;”.
- (2) Until the coming into force of the amendment made by sub-paragraph (1), section 2(6)(a) of the Children and Young Persons Act 2008 is to have effect as if the reference to the register mentioned there were to a register maintained under article 5 of the Health and Social Work Professions Order 2001.

Health and Social Care Act 2012

- 38 In the Health and Social Care Act 2012 omit sections 213, 215 and 216.

Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)

- 39 The Regulation and Inspection of Social Care (Wales) Act 2016 is amended as follows.
- 40 In section 111(4)(b)—
(a) in the Welsh text, for “Cyngor y Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
(b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.
- 41 In section 117(4)(a)—
(a) in the Welsh text, after “Gofal” insert “neu Waith Cymdeithasol Lloegr”;
(b) in the English text, after “Council” insert “or Social Work England”.
- 42 In section 119(4)(a)(ii)—
(a) in the Welsh text, for “y Cyngor Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
(b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.
- 43 In section 125(5)(a)(ii)—
(a) in the Welsh text, for “y Cyngor Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
(b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.

- 44 In section 174(5)(a)(ii) –
- (a) in the Welsh text, for “Cyngor y Proffesiynau Iechyd a Gofal” substitute “Gwaith Cymdeithasol Lloegr”;
 - (b) in the English text, for “the Health and Care Professions Council” substitute “Social Work England”.

PART 2

RENAMING OF HEALTH AND SOCIAL WORK PROFESSIONS ORDER 2001

- 45 For the title to the Health and Social Work Professions Order 2001 (SI 2002/254) substitute “Health Professions Order 2001”.
- 46 In article 1(1) of that Order (citation), for “the Health and Social Work Professions Order 2001” substitute “the Health Professions Order 2001”.
- 47 In the following provisions, for “the Health and Social Work Professions Order 2001” substitute “the Health Professions Order 2001” –
- (a) section 18(e) of the London County Council (General Powers) Act 1920;
 - (b) section 3(11) of the Video Recordings Act 1984;
 - (c) 114ZA(4) of the Mental Health Act 1983;
 - (d) paragraph (E) in the entry for the London County Council (General Powers) Act 1920 in Schedule 2 to the Greater London Council (General Powers) Act 1984;
 - (e) paragraph (c) of the definition of “establishment for special treatment” in section 4 of the London Local Authorities Act 1991;
 - (f) item 1(c) in Group 7, in Part 2 of Schedule 9 to the Value Added Tax Act 1994;
 - (g) section 69(1)(h) of the Data Protection Act 1998;
 - (h) section 60(2)(c) of the Health Act 1999;
 - (i) sections 25C(8)(h) and 29(1)(j) of the National Health Service Reform and Health Care Professions Act 2002;
 - (j) section 126(4)(a) of the National Health Service Act 2006;
 - (k) section 80(4)(a) of the National Health Service (Wales) Act 2006;
 - (l) entry 10 in the table in section 41(7) of the Safeguarding Vulnerable Groups Act 2006.
- 48 In the definition of “registered psychologist” in each of the following provisions, for “the Health and Social Work Professions Order 2001” substitute “the Health Professions Order 2001” –
- (a) section 307(1) of the Criminal Procedure (Scotland) Act 1995;
 - (b) section 207(6) of the Criminal Justice Act 2003;
 - (c) section 21(2)(b) of the Criminal Justice (Scotland) Act 2003;
 - (d) section 25 of the Gender Recognition Act 2004.”

Children and Social Work Bill [HL]

MARSHALLED LIST OF AMENDMENTS
TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS

3 April 2017

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