

# FAMILY RELATIONSHIPS (IMPACT ASSESSMENT AND TARGETS) BILL [HL]

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Family Relationships (Impact Assessment and Targets) Bill [HL] as introduced in the House of Lords on 29 June 2017 (HL Bill 22).

- These Explanatory Notes have been prepared by Lord Farmer, the Peer in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice and provide background information on the development of policy.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

## Overview of the Bill

- 1 The objective of this Bill is to legislate for a family perspective to the policy-making process in England. Under this Bill, Government departments and other designated public bodies would be required to carry out family impact assessments (FIAs) on policy proposals to make explicit their potential impact on family relationships. The Bill also requires the Secretary of State to establish, and monitor progress towards, objectives and targets for family stability and to consider extending the application of FIAs to local authorities.

## Policy background

- 2 In August 2014, the Prime Minister introduced guidance requiring Government departments to carry out the Family Test in the development of new policy proposals. The objective of the Family Test was “to introduce an explicit family perspective to the policy making process, and ensure that potential impacts on family relationships and functioning are made explicit and recognised in the process of developing new policy”.<sup>1</sup>
- 3 The principles of the FIA contained in the Bill are based on the guidance produced by the Department for Work and Pensions [The Family Test: Guidance for Government Departments](#) (October 2014) and cover the possible impact of policy changes on relationships between adults and caring relationships between adults and children and adults and dependent adults.

## Legal background

- 4 Page 5 of the Government's guidance explains that policy-makers should think about the Family Test in a similar way to how they consider the impact of policy proposals on equality as required by the Public Sector Equality Duty. However, the two are separate responsibilities with only equality considerations required under statute. This Bill seeks to place FIAs (which would fulfil the intent of the Family Test) on a similar statutory footing for public authorities to the assessment and analyses required under the Equality Act 2010.

## Territorial extent

- 5 Clause 5 states that this Bill would extend to England and Wales only.

## Commentary on provisions of the Bill

### *Clause 1: Family impact assessments*

- 6 Clause 1 sets out the application, scope and objectives for FIAs.
- 7 Subsection (1) states that a relevant authority must accompany a proposal for change in public expenditure, administration or policy with an FIA or publish a statement explaining why an FIA is not necessary.

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<sup>1</sup> HM Government, *The Family Test: Guidance for Government Departments* (October 2014), p3  
[[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/368894/family-test-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368894/family-test-guidance.pdf)]

- 8 Subsection (2) specifies that FIAs should have regard to the impact of policy proposals on—
  - a. a person’s ability to play a full part in their family’s life, in particular the discharging of caring responsibilities;
  - b. the processes which form families (such as parenthood, marriage, cohabitation and re-partnering);
  - c. families undergoing transition (such as birth, adoption, bereavement, redundancy and the onset of long term ill-health);
  - d. couples who separate and their families; and
  - e. couples whose relationships are fragile and at risk of breaking down.
- 9 Subsection (3) specifies that an FIA must conclude whether, overall, a policy would have a positive or negative effect on family relationships and family stability. Where appropriate, an FIA should also specify differential impacts on different types of families.
- 10 Where an FIA concludes that a proposal would, overall, have a negative impact on family stability but the authority still plans to go ahead with the policy, subsection (4) requires that authority to publicly state their reasons for doing so and to put forward proposals to mitigate the proposal’s negative impact.
- 11 Subsection (5) defines the types of family relationships covered by this clause.
- 12 Subsection (6) defines the relevant authorities covered by this clause as central Government departments and other bodies to be specified by the Secretary of State in regulations.

*Clause 2: Extending family impact assessments to local authorities: costs and benefits*

- 13 Clause 2 requires the Secretary of State to publish a report analyzing the costs and benefits of extending the requirement to complete FIAs to local authorities.
- 14 Subsection (2) specifies that the report must be published no later than six months after the Bill comes into force and that the report must be laid before Parliament.

*Clause 3: Targets for family stability*

- 15 Clause 3 requires the Secretary of State to establish objectives and targets to promote strong and stable families within nine months of the Bill coming into force (“family stability targets and objectives”).
- 16 Subsection (2) requires the Secretary of State to publish an annual report on progress made towards meeting these objectives and targets, measured through “family stability indicators” (see subsections (1)(c) and (d)).
- 17 Subsection (3) provides for the Secretary of State to review, every three years, whether the family stability targets and objectives remain fit for purpose.
- 18 Subsection (4) provides for the Secretary of State to amend the family stability targets and objectives. The Secretary of State must make a public statement explaining the reasons for doing so if that information is not already contained within a progress report under subsection (2).
- 19 All reports under this clause are to be laid before Parliament.

#### *Clause 4: Interpretation*

20 This clause provides definitions for key terms in the Bill and is self-explanatory.

### **Commencement**

21 Clause 5(2) states that the Bill will come into force three months after it receives Royal Assent.

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