

# Children and Families Bill

---

---

AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

**After Clause 1**

BARONESS JONES OF WHITCHURCH  
BARONESS HUGHES OF STRETFORD

Insert the following new Clause –

**“Pre-proceedings work with families**

- (1) Section 47 of the Children Act 1989 (Local authority’s duty to investigate) is amended as follows.
- (2) After subsection (12) insert –
  - “(13) Where, as a result of complying with this section, a local authority concludes that a child may need to become looked after in order to safeguard and promote the child’s 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;
    - (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.”

**After Clause 7**

BARONESS YOUNG OF HORNSEY  
THE EARL OF LISTOWEL  
BARONESS MASSEY OF DARWEN

Insert the following new Clause –

**“Care leavers’ access to personal information**

- (1) It shall be the duty of every local authority and voluntary organisation that looks after or provides accommodation for a child or young person to maintain such records as prescribed by regulations.

**After Clause 7 – continued**

- (2) Regulations under subsection (1) may provide for the transfer of records held by a voluntary organisation comprehensive information from the records relating to their personal history, family background and time in care.
- (3) A care leaver has the right, at his request, to receive from the local authority or voluntary organisation comprehensive information from the records relating to their personal history, family background and time in care while they were a looked after child or young person, such information will include personal sensitive data and also identifying information about other family members, acquaintances and significant others.
- (4) Subsections (1) and (3) do not apply to a request for information in circumstances where the local authority or voluntary organisation is authorised by regulations to withhold the information or any part of it.
- (5) Local authorities and voluntary organisations have a duty to provide appropriate and reasonable support on request, including information and advice, along with explanations of the process of redaction, the offer of appropriate counselling and access to intermediary services to care leavers having received their care records.
- (6) The regulations may provide for the circumstances in which the local authority or voluntary organisation holding the records may arrange for another local authority or voluntary organisation near the care leaver's home to provide access to the records and support.
- (7) In this section, "care leaver" refers to a person aged 16 and over who, while they were a child or young person, was in the care of or looked after or accommodated by a local authority or voluntary organisation.
- (8) It shall be a defence to any allegation of unlawful disclosure of data under the Data Protection Act by the data controller, if it can be shown that the data controller has made a reasonable examination of the data and has satisfied himself as to the need to disclose data and identities of individuals whose consent has not been obtained under section 7(4) of the Act having regard to the needs of the care leaver as set out elsewhere in this Act."

**Clause 9****BARONESS MASSEY OF DARWEN**

Page 9, line 15, at end insert "and section 23B(8A) and monitoring and evaluating the effectiveness of that local authority in discharging its duties under section 23C(4B) and 23CA and advising them on ways to improve"

Page 9, line 18, at end insert –

“( ) In the Children Act 1989, in section 23B after subsection 8 (additional functions of the responsible authority in respect of relevant children) insert –

“(8A) The duty of local authorities under subsection (8) to safeguard and promote the child's welfare, includes in particular a duty to promote the child's educational achievement.””

**After Clause 9**

BARONESS MASSEY OF DARWEN

Insert the following new Clause –

**“Support for family and friends carers when children are not looked after**

- (1) Each local authority must make arrangements for the provision within their area of family and friends care support services, including –
  - (a) counselling, advice and information; and
  - (b) such other services as are prescribed, in relation to family and friends care.
- (2) The power to make regulations under subsection (1)(b) is to be exercised so as to secure that local authorities provide financial support.
- (3) At the request of any of the following persons –
  - (a) a relative, wider family member or friend caring for a child in any of the circumstances (hereinafter referred to as C) set out in subsection (4) below;
  - (b) a parent or other person with parental responsibility; or
  - (c) a child living with C in circumstances set out in subsection (4) below; or
  - (d) any other person who falls within a prescribed description, a local authority must carry out an assessment of that person’s needs for family and friends care support services.
- (4) The circumstances referred to in subsection (3)(a) and (c) are –
  - (a) the child comes to live with C as a result of enquiries or plans made under section 47 of this Act;
  - (b) the child comes to live with C following an investigation under section 37 of this Act;
  - (c) C has been granted a residence order or a child arrangements order to avoid the child being looked after, within care proceedings on the child or following the accommodation of a child;
  - (d) there is professional evidence of the impairment of the parents’ ability to care for the child; or
  - (e) the parent is dead or in prison.
- (5) A local authority may, at the request of any other person, carry out an assessment of that person’s needs for family and friends care support services.
- (6) Where, as a result of an assessment, a local authority decide that a person has needs for family and friends care support services, they must then decide whether to provide any such services to that person.
- (7) If –
  - (a) a local authority decide to provide any family and friends care support services to a person, and
  - (b) the circumstances fall within a prescribed description, the local authority must prepare a plan in accordance with which family and friends care support services are to be provided to him, and keep the plan under review.

**After Clause 9 – continued**

- (8) The Secretary of State may by regulations make provision about assessments, preparing and reviewing plans, the provision of family and friends care support services in accordance with plans and reviewing the provision of family and friends care support services.
- (9) The regulations may in particular make provision –
- (a) about the type of assessment which is to be carried out, or the way in which an assessment is to be carried out;
  - (b) about the way in which a plan is to be prepared;
  - (c) about the way in which, and the time at which, a plan or the provision of family and friends care support services is to be reviewed;
  - (d) about the considerations to which a local authority are to have regard in carrying out an assessment or review or preparing a plan;
  - (e) as to the circumstances in which a local authority may provide family and friends care support services subject to conditions (including conditions as to payment for the support or the repayment of financial support);
  - (f) as to the consequences of conditions imposed by virtue of paragraph (e) not being met (including the recovery of any financial support provided);
  - (g) as to the circumstances in which this section may apply to a local authority in respect of persons who are outside that local authority's area;
  - (h) as to the circumstances in which a local authority may recover from another local authority the expenses of providing family and friends care support services to any person.
- (10) A local authority may provide family and friends care support services (or any part of them) by securing their provision by –
- (a) another local authority; or
  - (b) a person within a description prescribed in regulations of persons who may provide family and friends care support services, and may also arrange with any such authority or person for that other authority or that person to carry out the local authority's functions in relation to assessments under this section.
- (11) A local authority may carry out an assessment of the needs of any person for the purposes of this section at the same time as an assessment of his needs is made under any other provision of this Act or under any other enactment.
- (12) Section 27 (co-operation between authorities) applies in relation to the exercise of functions of a local authority under this section as it applies in relation to the exercise of functions of a local authority under Part 3."

**Clause 19**

BARONESS WALMSLEY  
LORD STOREY

Page 18, line 30, at end insert—

“( ) The functions to which this section relates include the functions under sections 32, 36, 38 and 44.”

**Clause 32**

BARONESS WALMSLEY  
LORD STOREY

Page 26, line 16, after “responsible,” insert “and children”

Page 26, line 22, at beginning insert “children and”

**Clause 36**

BARONESS WALMSLEY  
LORD STOREY

Page 28, line 42, leave out “child’s” and insert “child and”

Page 29, line 3, leave out “child’s” and insert “child and”

Page 29, line 14, leave out “child’s” and insert “child and”

Page 29, line 17, at beginning insert “child and”

**Clause 38**

BARONESS WALMSLEY  
LORD STOREY

Page 30, line 29, leave out “child’s” and insert “child and”

Page 30, line 32, leave out “child’s” and insert “child and”

Page 30, line 33, after “the” insert “child and”

Page 31, line 6, leave out “child’s” and insert “child and”

**Clause 44**

BARONESS WALMSLEY  
LORD STOREY

Page 34, line 20, leave out “of the” and insert “and”

**After Clause 73**

BARONESS JONES OF WHITCHURCH  
BARONESS HUGHES OF STRETFORD

Insert the following new Clause –

**“Personal, social and health education in maintained schools**

- (1) In section 84(3) of the Education Act 2002 (curriculum foundation subjects for the first, second and third key stages), after paragraph (g) there is inserted –
  - “(ga) personal, social and health education”.
- (2) In section 85(4) of the Education Act 2002 (curriculum foundation subjects for the fourth key stage), at the end there is inserted “, and
  - (d) personal, social and health education”.
- (3) In section 74(1) of the Education and Inspections Act 2006, which (when brought into force) will substitute a new section 85 in the Education Act 2002, in subsection (4) of that substituted section (foundation subjects for the fourth key stage), at the end there is inserted “, and
  - (d) personal, social and health education.”
- (4) Before section 86 of the Education Act 2002 there is inserted –

**“85B Personal, social and health education**

- (1) For the purposes of this Part, personal, social and health education (“PSHE”) shall include sex and relationship education, including information about same-sex relationships, sexual violence, domestic violence and sexual consent.
- (2) The National Curriculum for England is not required to specify attainment targets or assessment arrangements for PSHE (and section 84(1) has effect accordingly).
- (3) The Secretary of State for Education shall set out guidance to schools and colleges to ensure that a coherent approach to personal, social, health and economic education is developed, including between primary and secondary schools.
- (4) It is the duty of the governing body and head teacher of any school in which PSHE is provided in pursuance of this Part to secure that guidance issued under subsection (3) is followed and that –
  - (a) information presented in the course of providing PSHE should be accurate and balanced;
  - (b) PSHE is taught in a way that is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and reflects a reasonable range of religious, cultural and other perspectives;
  - (c) PSHE is taught in a way that endeavours to promote equality, celebrate diversity, and emphasise the importance of both rights and responsibilities.
- (5) In the exercise of their functions under this Part so far as relating to PSHE, a local authority, governing body or head teacher shall have regard to any guidance issued from time to time by the Secretary of State.”.

**After Clause 73 – continued**

- (5) Section 403 of the Education Act 1996 (sex education: manner of provision) is amended as set out in subsections (6) to (9).
- (6) In subsection (1), for the words from the beginning to “at a maintained school” there is substituted “The governing body or other proprietor of any school to which this section applies, and its head teacher, must take such steps as are reasonably practicable to ensure that sex and relationships education is given to registered pupils at the school and that”.
- (7) After that subsection there is inserted –
- “(1ZA) The schools to which this section applies are –
- (a) maintained schools;
  - (b) city technology colleges;
  - (c) city colleges for the technology of the arts;
  - (d) academies.
- A reference in this section or section 404 to the governing body of a school, in relation to a school within paragraph (b), (c) or (d), shall be read as a reference to the proprietor of the school.”.
- (8) In subsection (1A) –
- (a) for “when sex education is given to registered pupils at maintained schools” there is substituted “when sex and relationships education is given to registered pupils at schools to which this section applies”;
  - (b) in paragraph (a), after “; and” there is inserted “learn the nature of civil partnership and the importance of strong and stable relationships.”;
  - (c) paragraph (b) is omitted.
- (9) In subsection (1C), for “sex education” there is substituted “sex and relationships education”,
- (10) In section 579 of the Education Act 1996 (general interpretation), in the definition of “sex education” in subsection (1) –
- (a) for “sex education” there is substituted “sex and relationships education”;
  - (b) at the end there is inserted “but does not include education about human reproduction provided as part of any science teaching”.
- (11) For section 405 of the Education Act 1996 there is substituted –
- “405 Exemption from sex and relationships education**
- (1) If a pupil of sufficient maturity in attendance at a school to which section 403 applies requests to be wholly or partly excused from receiving sex and relationships education at the school, the pupil shall be so excused accordingly until the request is withdrawn.
  - (2) The Secretary of State must in regulations define “sufficient maturity”.
  - (3) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

**After Clause 73 – continued**

- (4) The Secretary of State must lay draft regulations before Parliament before the end of the period of 3 months beginning with the day on which this Act is passed.”

Insert the following new Clause –

**“Sex and relationship education guidance**

- (1) The Secretary of State will, within six months of this Act coming into force, establish a working group to review and update the sex and relationship education guidance for schools.
- (2) The working group established under subsection (1) will include young people, teachers, professionals and online experts.
- (3) In performing its functions under subsection (1), the working group will have particular regard to the need for the guidance to make reference to –
  - (a) the role of the internet, social media and mobile technology in sex and relationship education;
  - (b) online bullying and harassment.”

THE EARL OF LISTOWEL

Insert the following new Clause –

**“Welfare of children: asylum seekers**

- (1) Schedule 3 to the Nationality, Immigration and Asylum Act 2002 (withholding and withdrawal of support) is amended as follows.
- (2) In paragraph 6(1), after “person” insert “who entered the United Kingdom as an adult.”
- (3) In paragraph 7, after “person” insert “who entered the United Kingdom as an adult.””









# Children and Families Bill

---

---

AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

*4th October 2013*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON – THE STATIONERY OFFICE LIMITED

HL Bill 32(z)

(33448)

55/3



ISBN 978-0-10-854299-2

