

Children and Families Bill

AMENDMENTS TO BE MOVED ON REPORT

[Supplementary to the Second Marshalled List]

Clause 28

LORD NASH

Page 24, line 16, at end insert—

- “() a person in charge of relevant youth accommodation—
- (i) in which there are detained persons aged 18 or under for whom the authority was responsible immediately before the beginning of their detention, or
 - (ii) that the authority thinks is accommodation in which such persons are likely to be detained;”

After Clause 28

BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

Insert the following new Clause—

“General responsibilities of local authorities in relation to carers of disabled children

- (1) The general duty of a local authority in exercising a function under this Part in the case of an adult, is to promote that carer’s well-being.
- (2) “Well-being”, in relation to an individual, means that individual’s well-being so far as relating to any of the following—
 - (a) personal dignity (including treatment of the individual with respect);
 - (b) physical and mental health and emotional well-being;
 - (c) protection from abuse and neglect;
 - (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - (e) participation in work, education, training or recreation;

After Clause 28 – continued

- (f) social and economic well-being;
 - (g) domestic, family and personal relationships;
 - (h) suitability of living accommodation; or
 - (i) the individual’s contribution to society.
- (3) In exercising a function under this Part in the case of an individual, a local authority must have regard to the following matters in particular –
- (a) the importance of beginning with the assumption that the individual is best-placed to judge the individual’s well-being;
 - (b) the individual’s views, wishes, feelings and beliefs;
 - (c) the importance of preventing or delaying the development of needs for care and support or needs for support and the importance of reducing needs of either kind that already exist;
 - (d) the need to ensure that decisions about the individual are made having regard to all the individual’s circumstances (and are not based only on the individual’s age or appearance or any condition of the individual’s or aspect of the individual’s behaviour which might lead others to make unjustified assumptions about the individual’s well-being);
 - (e) the importance of the individual participating as fully as possible in decisions relating to the exercise of the function concerned and being provided with the information and support necessary to enable the individual to participate;
 - (f) the importance of achieving a balance between the individual’s well-being and that of any friends or relatives who are involved in caring;
 - (g) the need to protect people from abuse and neglect; and
 - (h) the need to ensure that any restriction on the individual’s rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary for achieving the purpose for which the function is being exercised.
- (4) “Local authority” means –
- (a) a county council in England;
 - (b) a district council for an area in England for which there is no county council;
 - (c) a London borough council; or
 - (d) the Common Council of the City of London.
- (5) In this Part, an “individual” is –
- (a) an adult aged 18 or over who has parental responsibility for a disabled child under Part III of the Children Act 1989.
 - (b) an adult is not to be regarded as a carer if the adult provides or intends to provide care –
 - (i) under or by virtue of a contract, or
 - (ii) as voluntary work.”

Clause 31

LORD NASH

Page 26, line 30, after “following” insert “persons and”

Page 26, line 33, at end insert—

“() the person in charge of any relevant youth accommodation;”

Page 26, line 38, after “The” insert “person or”

Page 26, line 38, leave out “it” and insert “the person or body”

Page 26, line 40, leave out “its own duties” and insert “the duties of the person or body”

Page 26, line 41, leave out “its functions” and insert “the functions of the person or body”

Page 26, line 42, after “A” insert “person or”

Page 26, line 44, after first “a” insert “person or”

Page 27, line 1, after “assessment” insert “, a detained person’s EHC needs assessment”

Page 27, line 1, after second “the” insert “person or”

Clause 36

LORD NASH

Page 29, line 39, at end insert “or section (*Assessment of post-detention education, health and care needs of detained persons*)”

Clause 48

LORD NASH

Page 36, line 32, leave out “custodial sentence” and insert “detention order (within the meaning of section 562(1A)(a) of EA 1996)”

Page 36, line 36, after “was” insert “—

(i) ”

Page 36, line 37, leave out “custodial sentence.” and insert “detention, or”

Page 36, line 37, at end insert—

“(ii) kept for him or her under section (*Duty to keep EHC plans for detained persons*) during the detention.”

After Clause 79

BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

Insert the following new Clause –

“Amendments to the Carers (Recognition and Services) Act 1995

- (1) The Carers (Recognition and Services) Act 1995 is amended as follows.
- (2) Section 1(2)(b) is repealed.
- (3) After section 1(2), insert –
 - “(2A) Subject to subsection (3), in any case where it appears to the local authority that a person with parental responsibility for a disabled child (“the carer”) may have needs for support (whether currently or in the future) the authority must –
 - (a) assess whether the carer does have needs for support (or is likely to do so in the future),
 - (b) where the carer has such needs, (or is likely to in the future), take the results of that assessment into account in making their decision as to whether the needs of the disabled child call for the provision of any services.””

Insert the following new Clause –

“Amendments to the Carers and Disabled Children Act 2000

For section 6(1) of the Carers and Disabled Children Act 2000, substitute –

- “(1) Where it appears to the local authority that a person with parental responsibility for a disabled child (“the carer”) may have needs for support (whether currently or in the future), the authority must assess –
 - (a) whether the carer does have needs for support (or is likely to do so in the future), and
 - (b) where the carer has such needs, what those needs are (or are likely to be in the future).””

After Clause 81

BARONESS BRINTON

Insert the following new Clause –

“Provision and support for bullied children

- (1) The Secretary of State must produce an anti-bullying strategy (“the Strategy”) (and consequential Code of Practice and Statutory Guidelines) for schools and further education institutions on ways of preventing and protecting children and young people from bullying and ensuring effective recovery programmes to counter the consequences of severe bullying.
- (2) The Strategy produced under subsection (1) must include a comprehensive definition of bullying.

After Clause 81 – continued

- (3) The Strategy shall ensure cross links between the SEN and Anti-Bullying Codes of Practice and Statutory Guidelines, so that schools are aware that some bullied children and young people will have special educational needs.
- (4) Where the impact of bullying results in a pupil or student having social, mental or emotional needs, schools and FE institutions should use the graduated approach detailed in the SEN Code of Practice, but if those needs are complex and will not be met through this approach, then an education, health and care plan should be made.
- (5) Where any bullied child or student who has been out of school or further education institution for a period of three months or longer, and who has mental or emotional problems (whether or not they are impacting on the child or student’s learning), the school or further education institution will have a duty to help provide an urgent referral to the child or young person’s local Child and Adolescent Mental Health Service.
- (6) A bullied pupil or student who is unable to attend their school or institution, but who is still on the roll, must be brought to the attention of the local authority by their school or institution within 3 months of starting to miss school.
- (7) Where a pupil or student is brought to the attention of the local authority under subsection (6), it has a duty to find alternative provision that is suitable for the pupil or student and their needs. The pupil or student’s educational establishment has a duty to co-operate with the local authority.
- (8) During an inspection, OFSTED will expect a school or institution to provide details of the plan for any child out of school for an extended period who is still on the school roll.”

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