

Children and Families Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 14

LORD LLOYD OF BERWICK

Insert the following new Clause—

“Care proceedings: standard of proof

- (1) The Children Act 1989 is amended as follows.
- (2) In section 31, after subsection (2) insert—
 - “(2A) Subsection (2) above shall be interpreted so as to permit a court to infer that a child is likely to suffer significant harm from the sole fact that the child is, or will be, living with a person who is a possible perpetrator of significant harm to another child.”
 - (2B) For the purposes of subsection (2A), a person (the person concerned) is to be treated as a “possible perpetrator” if—
 - (a) a child has suffered significant harm;
 - (b) the Court is unable to identify the actual perpetrator of the said harm but identifies a list of possible perpetrators by finding (in relation to each such person) that there is a real possibility that he caused significant harm to the child; and
 - (c) the person concerned is one of the persons on the said list.”

Clause 51

LORD STOREY

Page 38, line 12, at end insert—

- “(g) the social care provision specified in an EHC plan;
- (h) the healthcare provision specified in an EHC plan”

Clause 70

LORD STOREY

Leave out Clause 70 and insert the following new Clause –

“Detained children and young people

- (1) This section applies where a local authority maintains an EHC plan for a child or young person who is subsequently detained in pursuance of –
 - (a) an order made by a court, or
 - (b) an order of recall made by the Secretary of State.
- (2) While a child is detained, the home local authority must –
 - (a) maintain the EHC plan, or
 - (b) ensure that the specified special education provision are met for that child in accordance with the EHC plan.
- (3) The governing body of a custodial facilities must –
 - (a) provide information about its special educational provision for inclusion in the local offer provided by the local authority under section 30 of this part, and
 - (b) cooperate with the child or young person’s local authority to ensure that their specific special educational provision is secured.”

After Clause 73

LORD STOREY

Insert the following new Clause –

“PART 3A

CHILDREN WITH SPECIFIED MEDICAL CONDITIONS

Children with medical needs

- (1) The section imposes duties on the appropriate authorities of the following schools in England –
 - (a) mainstream schools;
 - (b) maintained nursery schools, and
 - (c) pupil referral units.
- (2) The appropriate authority must produce an individual healthcare plan for each child with a specified medical condition which sets out the needs of the child arising from that condition and the support to be provided to manage the condition.
- (3) The appropriate authority must produce and implement a policy determining how they plan to deliver the individual healthcare plans of children under their responsibility.
- (4) The policy set out under subsection (3) must include provision about –
 - (a) the means by which records of the specified health conditions of children at the school are to be recorded and maintained, and

After Clause 73 – continued

- (b) securing appropriate training for school staff to support the implementation of individual healthcare plans.
- (5) In preparing an individual healthcare plan the appropriate authority must consult the parents of the child concerned and, where appropriate, the child about the contents of the plan.”

Insert the following new Clause –

“Children with medical needs: duty on other bodies

- (1) There shall be a duty on NHS bodies to co-operate with the authorities referred to in section 63A in the preparation of an individual healthcare plan under that section.
- (2) Local Authorities and clinical commissioning groups must co-operate with the authorities defined in section 63A(1) in fulfilling their functions under this part.
- (3) For the purposes of this section “NHS bodies” has the same meaning as in the Health and Social Care Act 2012.”

Insert the following new Clause –

“Definition of “specified health conditions”

- (1) The Secretary of State may by regulations define “specified health condition” for the purposes of this part.
- (2) A statutory instrument containing regulations under subsection (1) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause –

“Children and young people in mainstream schools with specified health conditions without special educational needs

- (1) The governing body of a mainstream school has a duty to produce and implement a medical conditions policy that defines how it plans to support the needs of children with specified health conditions.
- (2) The medical conditions policy must include provision about –
 - (a) the means by which records of the specified health conditions of children at the school are to be recorded and maintained; and
 - (b) the preparation of an individual healthcare plan for each child with a specified health condition which sets out the needs of that child arising from that condition.
- (3) The medical conditions policy must include requirements relating to the provision of appropriate training for school staff to support the implementation of individual healthcare plans.
- (4) In preparing an individual healthcare plan the governing body must –
 - (a) consult the parents of the child concerned and, where appropriate, the child about the contents of the plan; and

After Clause 73 – continued

- (b) there shall be a duty on NHS bodies to co-operate with the governing body in its preparation and implementation of individual healthcare plans.
- (5) Local authorities and clinical commissioning groups must co-operate with governing bodies in fulfilling their functions under this Act.
- (6) The Secretary of State may by regulations define “specified health conditions” for the purposes of this section.
- (7) For the purposes of this section “NHS bodies” has the same meaning as in the Health and Social Care Act 2012.”

LORD STOREY
BARONESS TYLER OF ENFIELD

Insert the following new Clause –

“PART 3B**YOUNG CARERS****Duty on Local Authorities**

- (1) Where it appears to a local authority that a child within their area may provide or be about to provide care to an adult or a child who is disabled, the authority must –
 - (a) assess whether the child has needs for support relating to their caring role (or is likely to have such needs in the future), and
 - (b) if the child is found to have such needs, set out what those needs are (or are likely to be in the future).
- (2) Having carried out an assessment under subsection (1) the authority must meet those needs for support which it considers to be necessary to meet in order to safeguard and promote the child’s welfare.
- (3) Having carried out an assessment under subsection (1) a local authority, must also consider whether the adult is or may be eligible for assessment under the Care Act 2013, and if so must ensure such an assessment is carried out unless that adult objects.
- (4) Having carried out an assessment under subsection (1) a local authority must consider whether, in the case of a child who is caring for a disabled child, the child being cared for requires an assessment under the Children Act 1989 and if so shall carry out that assessment unless the person with parental responsibility for that child objects.
- (5) The Secretary of State shall issue guidance in relation to the duties set out in subsections (1) to (4).
- (6) The Secretary of State shall only issue guidance under subsection (5) after having first consulted with persons whom the Secretary of State considers to be appropriate.

After Clause 73 – continued

- (7) Any service provided by an authority in exercise their functions under this section may also be provided for the family or for any member of the child’s family, and may include –
- (a) services to the adult the child is providing care for to meet the adult’s needs for care and support; and
 - (b) services to the adult to enhance their parenting capacity.
- (8) An authority must provide services under subsection (7) if the authority considers that this is in the best interests of safeguarding or promoting the child’s welfare.”

After Clause 78

BARONESS WALMSLEY
LORD STOREY

Insert the following new Clause –

“No right to give corporal punishment: part-time educational institutions

At the end of section 548(7B) (no right to give corporal punishment) of the Education Act 1996, insert “except that it applies in relation this section as if for paragraphs (a) and (b) of section 92(2) of that act there were substituted the following words “for any amount of time during an academic year, no matter how little”.”

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