

# Children and Families Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 1**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 1, line 8, after “(9A)”, insert “Subject to subsection (9B)”

Page 1, line 9, at end insert—

“and are satisfied that a placement falling within paragraph (a) of subsection (6) would not be consistent with C’s welfare”

Page 1, line 12, after “(7) to (9)” insert “except subsection 7(a) and 8(c)”

Page 1, line 12, at end insert—

“(9B) Before considering placing a child with a foster parent who has been approved as a prospective adopter, the authority must consider as part of the permanency plan for C, placement with carers who could become the child’s permanent carers where this is in C’s best interests.”

**Clause 2**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 1, line 15, at end insert—

“(1A) In subsection (4), after paragraph (f) insert—

“(g) the child’s religious persuasion, racial origin and cultural and linguistic background, although this paragraph does not apply to an adoption agency in Wales, to which subsection (5) instead applies.””

**Clause 3**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 2, line 31, leave out subsections (b) and (c)

Page 2, line 32, at end insert—

- “(4) The Secretary of State must set out in writing the reasons for issuing a direction under subsection (1).
- (5) A direction given under subsection (1) will not come into effect until the Secretary of State has reviewed the decision to issue the direction on an application by the local authority upon whom the direction was issued.
- (6) If the Secretary of State is satisfied that the local authority is taking steps to remedy the reasons for issuing the direction, the Secretary of State may revoke all or part of the direction.”

Page 2, line 32, at end insert—

- “(4) A decision by the Secretary of State under subsection (1) to require a local authority in England to make arrangements for all or any of their functions within subsection (2) to be carried out on their behalf by one or more other adoption agencies will be taken on the basis of the quality of the services provided by such local authority.”

**Clause 4**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 3, line 33, at end insert—

- “(k) about the prescribed agencies from which adoption support services can be purchased, which must include voluntary adoption agencies.”

**Clause 6**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 4, leave out lines 27 to 35.

**Clause 7**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 5, line 30, at end insert—

- “(2A) In subsection (1), after paragraph (d) insert—
  - “(e) his siblings (whether of the whole or half blood).”

**Clause 9**

LORD TOUHIG

Page 9, line 18, at end insert—

- “(3D) A person appointed by a local authority under subsection (3B) has responsibility for allocating the pupil premium for the education of looked after children paid to the local authority pursuant to section 14 of the Education Act 2002.”

**After Clause 9**BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Insert the following new Clause—

**“Review of impact of under-occupancy penalty on prospective adopters, prospective special guardians and foster parents**

Before the end of one year beginning with the day on which this Act receives Royal Assent, the Secretary of State must—

- (a) carry out a review of the impact of the housing under-occupancy penalty on prospective adopters, prospective special guardians and foster parents, and
- (b) publish, and lay before both Houses of Parliament, a report of the conclusions of the review.”

THE EARL OF LISTOWEL

Insert the following new Clause—

**“Further assistance for welfare purposes**

- (1) Section 23CA of the Children Act 1989 (Further assistance to pursue education or training) is amended as follows.
- (2) In subsection (1)(a), at the end, insert “and”.
- (3) In subsection (1)(b), omit the last “and”.
- (4) Omit subsection (1)(c).
- (5) In subsection (4), after “training”, insert “or welfare”.
- (6) In subsection (5)(a), omit the last “or”.
- (7) In subsection (5)(b), after “training”, insert “or welfare”.
- (8) At the end of subsection (5), add the following new paragraphs:
  - “(c) providing advice and support in relation to his welfare; or
  - (d) making a grant in exceptional circumstances to enable him to meet expenses connected with his welfare.”
- (9) Accordingly, at the end of the section heading insert “or for welfare purposes”.

**Clause 10**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 9, line 23, at end insert “unless in the view of the court it is unreasonable to do so.”

Page 9, line 37, at end insert—

““approved mediator” means a mediator who satisfies such training and quality assurance standards as the Lord Chancellor may by regulations specify;”

Page 9, line 39, after “held”, insert “with an approved mediator”

**Clause 11**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 10, line 15, leave out subsections (2) and (3) and insert—

“(2) After subsection (3)(g) insert—

“(h) the quality of the relationship that the child has with each of his parents, both currently and in the foreseeable future.””

Page 10, line 19, at end insert—

“(2B) Involvement is any kind of direct or indirect involvement that promotes the welfare of the child. It shall not be taken to mean any particular division of a child’s time.”

**Clause 12**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 10, line 37, leave out lines 40 to 43 and insert—

- “(a) with whom a child is to—
- (i) live,
  - (ii) spend time, or
  - (iii) otherwise have contact; and
- (b) when, with any person, a child is to—
- (i) live,
  - (ii) spend time, or
  - (iii) otherwise have contact.”

Page 11, line 1, at end insert—

“(5) “rights of custody” under the Hague Convention are determined by an order made under subsection (3)(a)(i).”

**Clause 14**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 13, line 5, after “issued” insert “unless the court considers it necessary in order to safeguard or promote the child’s welfare to permit additional time for the disposing of the application”

Page 14, line 4, after “weeks” insert “or, having taken into consideration the safeguarding and promotion of the child’s welfare following evidence presented to the court relating to a planned programme of intervention, such longer time period as the court deems appropriate,”

**Clause 15**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 15, line 10, after “provisions”, insert “and sibling placement arrangements”

**Clause 20**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 18, leave out lines 40 to 42 and insert –

“(b) is a disabled person as defined by section 6 of the Equality Act 2010.”

Page 18, line 42, at end insert –

“(c) has a chronic illness or long-term health condition which impacts on his or her ability to access the same learning opportunities as their peers without additional or extra provision.”

**Clause 21**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 19, line 24, leave out “wholly or mainly”

**After Clause 21**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

**“Early-years SEN co-ordinators**

- (1) Local authorities must appoint sufficient full-time equivalent members of staff (to be known as Early Years Area SEN co-ordinators) to have responsibility for coordinating provision for children in Ofsted-registered early years settings other than maintained nursery schools.

**After Clause 21 – continued**

- (2) In assessing sufficiency of staffing levels under subsection (1) the local authority must have regard to—
  - (a) the number of children with special educational needs in its area registered with early years settings to which subsection (1) applies;
  - (b) the number and geographical location of early years settings to which subsection (1) applies.
- (3) Regulations may provide for—
  - (a) further considerations to be made by local authorities in exercising their duties under subsection (1);
  - (b) the specific responsibilities of Early Years Area SEN co-ordinators.
- (4) The Secretary of State shall publish guidance to local authorities to assist in exercising their functions under subsection (1).
- (5) Local authorities must publish information on the provision of Early Years Area SEN co-ordinators as part of exercising their duties under section 30 of this Act.”

**Clause 22**

LORD TOUHIG  
BARONESS HUGHES OF STRETFORD

Page 19, line 32, after “identifies”, insert “as early as possible”

**Clause 24**

LORD TOUHIG

Page 20, line 3, leave out “who is under compulsory school age” and insert “or young person”

Page 20, line 7, after “child” insert “or young person”

Page 20, line 9, after “child” insert “or young person”

Page 20, line 15, after “child” insert “or young person”

**Clause 26**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 21, line 2, at end insert—

“(d) any other provision deemed necessary to meet the special educational, health or social care needs of a child or young person.”

Page 21, line 17, at end insert—

“(h) compliance with the disability provisions of the Equalities Act.”

Page 21, line 23, at end insert—

“(d) ensuring reasonable adjustments required are made.”

**Clause 27**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 22, line 12, at end insert –

- “(2A) The local authority must assess the extent to which there is sufficient funding in place to secure the provision detailed in subsection (1) for all the children and young people and their families who require it.
- (2B) Where a local authority exercising its duty under subsection (2A) finds that it does not have sufficient funding in place to secure adequate provision for all children and young people who require the provision, the authority must consider jointly commissioning services for which it is exclusively responsible with neighbouring local authorities, where this is appropriate.”

**Clause 30**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 24, line 36, at end insert “including provision in institutions approved by the Secretary of State by virtue of section 41 of this Part.”

**LORD TOUHIG**

Page 25, line 5, at end insert “, retaining employment and accessing benefits”

Page 25, line 9, at end insert –

- “(4A) Where a service is set out in the local offer, the responsible agency has a duty to deliver that service.”

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 25, line 16, at end insert –

- “(6A) The Secretary of State shall lay a draft of regulations setting out the minimum level of specific special educational provision, health care provision and social care provision that local authorities must provide as part of their local offer, and the regulations are not to be made unless they have been approved by a resolution of each House of Parliament.
- (6B) Once regulations under subsection (6A) have been made, the Secretary of State must –
- (a) issue guidance to local authorities on how to meet these regulations, and
  - (b) publish information on these regulations accessible to the families of children and young people with special educational needs on the Department’s website, and in any other way he sees fit.”

**Clause 32**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

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

Page 26, line 18, at end insert—

- “(1A) Local authorities must ensure that in exercising their functions under subsection (1), advice should be provided in the form of—
- (a) printed materials;
  - (b) online resources, including signposting to resources published by others;
  - (c) face to face discussions;
  - (d) any other form which the local authority may deem necessary in pursuance of its duties under the Equality Act.
- (1B) Local authorities must not make, or allow any individuals or organisations providing advice on their behalf to make, any charge to families of children with special educational needs, or young people with special educational needs, in exercising their functions under this section.”

Page 26, line 22, after “(b)”, insert “children and”

**Clause 33**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 26, leave out line 38 and insert—

- “(b) meeting the specific needs of the child or young person.”

**After Clause 35**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Insert the following new Clause—

**“Children and young people temporarily unable to attend mainstream school**

- (1) This section applies where a child or young person of compulsory school age is unable to attend school for a period of between one and twenty four months.
- (2) The local authority responsible for a child or young person for whom subsection (1) applies must ensure that appropriate educational provision is available and provided to the child or young person concerned, and that any identified health or social care needs are provided for.
- (3) Regulations may specify acceptable reasons for which subsection (1) might apply, including, but not limited to—
  - (a) the placement of the child or young person in a certain school under section 39 of this Act is the subject of dispute;



**After Clause 35 – continued**

- (b) the child or young person has been withdrawn from school while an EHC Plan is being prepared;
  - (c) the child or young person has been withdrawn from school as a result of a diagnosed medical condition;
  - (d) the child or young person has been withdrawn from school, whether by the school, their parents or themselves, as a result of bullying or fear of bullying;
  - (e) the child or young person has been withdrawn from school as a result of a diagnosed mental condition or temporary mental instability, including phobia or trauma.
- (4) In discharging their duties under this section, a local authority must –
- (a) consult with the child or young person and their family;
  - (b) consult with the school at which the child or young person is currently enrolled, or was last enrolled at;
  - (c) consult with professionals from any other agency known to be in contact with the child or young person and their family in relation to the reason for which the child or young person concerned has been withdrawn from school;
  - (d) continue to monitor the development of the child or young person concerned;
  - (e) have regard to the age and prior educational outcomes of the child or young person when determining provision, and
  - (f) consider the suitability of internet-based educational provision.”

**Clause 36**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 28, line 33, at end insert –

“(1A) On receiving a request for an assessment under subsection (1), the local authority must endeavour to respond to that request within six weeks of having received it.”

Page 28, line 42, at end insert –

“(4A) In making a determination under subsection (3), the local authority must have regard to the competencies and needs of the child or young person’s parents and immediate family, where this is relevant to the child or young person’s wellbeing.”

Page 29, line 6, at end insert –

“(c) of their right to request an internal review or appeal against this decision under section 51.”

Page 29, line 32, at end insert –

“(d) their right to request an internal review or appeal against this decision under section 51.”

Page 29, line 33, leave out subsection (10)

**Clause 36** – *continued*

Page 30, line 5, at end insert –

“( ) imposing time limits on the determination of an assessment;”

Page 30, line 5, at end insert –

“( ) imposing time limits on corresponding with parents in pursuance of other duties under this section;”

Page 30, line 5, at end insert –

“(12) Failure to abide by time limits prescribed by virtue of this section does not relieve the authority of the duty to serve a notice, or make a decision or assessment.”

**Clause 37**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 30, line 20, at end insert –

“( ) any provision deemed necessary to be made available to the family of the child or young person which may assist in the promotion of the wellbeing of the child or young person concerned.”

Page 30, line 23, leave out subsection (4)

**Clause 39**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 31, line 30, after “must”, insert “, subject to agreement of the child or young person concerned and their parents,”

**Clause 41**

LORD TOUHIG

Page 33, line 13, at end insert –

- “(e) what recourse institutions will have to appeal or review decisions made by the Secretary of State;
- (f) as to what timetable a list of institutions will be adjusted, published and reviewed;
- (g) what relation an approved list of institutions has with regulations governing local offers.”

**Clause 42**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 33, line 18, after “provision”, insert “and social care provision”

**Clause 42** – *continued*

Page 33, line 19, at end insert –

- “(2A) If the plan specifies social care provision, the responsible local authority must secure the specified social care provision for the child or young person.”

**Clause 44**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 34, line 17, leave out subsection (5)

**Clause 46**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 35, line 30, at end insert –

- “(3) Where a young person is completing a programme of study, supported internship or apprenticeship which does not conform to academic years, a local authority may continue to maintain an EHC plan for that young person until the end of that programme where this programme has been commenced by mutual consent of –
- (a) the young person;
  - (b) the local authority; and
  - (c) any health bodies contributing to support delivered by virtue of the young person’s EHC plan.”

**Clause 49**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 37, line 16, at end insert –

- “(9) This section will not have effect until an Order is made by the Secretary of State, subject to affirmative resolution by both Houses of Parliament.
- (10) Before making an Order under subsection (9), the Secretary of State must lay a copy of a report before both Houses of Parliament detailing findings from the pathfinder authorities established under the Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2012, including but not limited to –
- (a) the impact on educational outcomes for children and young people;
  - (b) the quality of provision received by children and young people;
  - (c) the value for money achieved;
  - (d) the impact on services provided for children and young people without EHC plans, or those for whom direct payments were not made.

**Clause 49 – continued**

- (11) The Secretary of State may not prepare a report under subsection (10) until September 2014.
- (12) An Order made under subsection (9) may amend this section as the Secretary of State deems necessary to ensure the effective operation of personal budgets, having had regard to the finding of the report produced by virtue of subsection (10).”

**After Clause 51**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

**“Collection of information**

- (1) The Secretary of State must collect information on all cases related to special educational needs which are considered by the Tribunal Service, including –
  - (a) the local authority involved;
  - (b) the cost to the Tribunal Service;
  - (c) the amount spent by the local authority on fighting each case;
  - (d) the nature of each case; and
  - (e) the outcome of each case.
- (2) The Secretary of State must collate and publish information collected in the exercise of his functions under subsection (1) once a year.
- (3) The following bodies must make arrangements to provide such information to the Secretary of State as is necessary to enable him to perform his functions under this section –
  - (a) the Tribunal Service;
  - (b) local authorities.”

**Clause 68**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Page 48, line 14, leave out “such persons as the Secretary of State sees fit” and insert “publicly, for a period of not less than 90 days”

**After Clause 78**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

**“Information on children’s centres**

- (1) The Secretary of State must compile and publish information on children’s centres in England every three months, including –
  - (a) the number of registered children’s centres in each local authority area;
  - (b) the annual budget of each children’s centre in each local authority area;
  - (c) the total weekly opening hours of each centre in each local authority area;
  - (d) any changes in the figures for (a), (b) or (c) since the same period in the preceding year; and
  - (e) any other information he deems useful to compile and publish.
- (2) Local authorities are obliged to provide information requested by the Secretary of State in pursuance of his duties under subsection (1), in a format specified by him.
- (3) The Secretary of State must publish information in an accessible format, not later than three months after the information has been provided by the local authorities.
- (4) The Secretary of State may charge a prescribed fee for providing information compiled under this section in paper form.
- (5) The level of fee charged under subsection (4) must not exceed the cost of production and supply.
- (6) In this section “Children’s Centre” has the meaning given by section 5A(4) (Arrangements for provision of children’s centres) of the Childcare Act 2006.”

Insert the following new Clause –

**“Independent study: registration of births at children’s centres**

- (1) The Secretary of State shall commission an independent study of the likely impact on the welfare of children of requiring births to be registered at children’s centres.
- (2) The Secretary of State may, by regulations, establish pilot schemes to trial the registration of births within children’s centres, to inform the independent study under subsection (1).
- (3) In this section “children’s centre” has the meaning given by section 5A(4) (Arrangements for provision of children’s centres) of the Childcare Act 2006.”

**After Clause 78 – continued**

Insert the following new Clause –

**“Information sharing about live births**

- (1) NHS trusts should make arrangements to share with local authorities records of live births to parents resident in their area, to be used by the local authority for the purposes of identifying and contacting new families through children’s centres and any other early years outreach services it may operate.
- (2) The Secretary of State must, within a period of six months of Royal Assent to this Act, bring forward regulations placing consequential requirements on trusts and local authorities in exercising their duty under subsection (1) including, but not limited to –
  - (a) the format of arrangements made;
  - (b) the safeguarding of information;
  - (c) the circumstances in which it would not be appropriate for a trust to provide information to local authorities;
  - (d) the regularity of data transfers;
  - (e) timescales within which a local authority must contact new families made known to it; and
  - (f) any further requirements the Secretary of State deems necessary.”



# Children and Families Bill

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