

Children and Families Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 4th December 2013, as follows –

Clauses 11 and 12	Schedule 5
Schedule 2	Clause 95
Clauses 13 to 72	Schedule 6
Schedule 3	Clauses 96 to 105
Clauses 73 and 74	Schedule 7
Schedule 4	Clauses 106 to 119
Clauses 75 to 94	

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 11

BARONESS BUTLER-SLOSS
BARONESS HUGHES OF STRETFORD
BARONESS HOWARTH OF BRECKLAND

14 Page 11, line 5, 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.”

Amendment
No.

After Clause 11

LORD NORTHBOURNE

15 Insert the following new Clause –

“Children’s welfare: duties of parents

For the purposes of section 3(1) of the Children Act 1989, the duties of the parent to their child are –

- (a) to safeguard and promote the child’s health, development and welfare;
- (b) to provide in a manner appropriate to the age and development of the child –
 - (i) direction; and
 - (ii) guidance,
 to the child;
- (c) if the child is not living with the parent, to maintain personal relations and contact with the child on a regular basis, but only in so far as compliance with this section is practicable and in the best interest of the child.”

After Clause 14

LORD LLOYD OF BERWICK
LORD BROWN OF EATON-UNDER-HEYWOOD

16 Insert the following new Clause –

“Care proceedings: standard of proof

- (1) The Children Act 1989 is amended as follows.
- (2) In section 31 (care and supervision), 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.”

Amendment
No.

Clause 19

LORD LOW OF DALSTON
BARONESS WARNOCK
BARONESS WILKINS

- 16A** Page 19, line 20, at end insert –
“() the need to continue to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff and which have the capacity to meet the needs of disabled children.”

After Clause 19

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

- 17** Insert the following new Clause –
“Children and young people with special educational needs
For the purposes of sections 22, 24, 25, 26, 27, 30, 32 and 62 of this Act, the term “children and young people with special educational needs” will be interpreted to include children and young people with a disability under the Equality Act 2010.”

Clause 21

LORD NASH

- 17A** Page 20, line 16, leave out subsection (5) and insert –
“(5) Health care provision or social care provision which educates or trains a child or young person is to be treated as special educational provision (instead of health care provision or social care provision).”

LORD RAMSBOTHAM
BARONESS MORGAN OF ELY

- 18** Page 20, line 16, leave out subsection (5) and insert –
“(5) Health care provision or social care provision which is educational for, or training of, a child or young person is to be treated as special educational provision (instead of health care provision or social care provision).”

Clause 22

LORD NASH

- 18A** Page 20, line 24, after “identifies” insert “ –
(a) ”
- 18B** Page 20, line 25, at end insert “, and
(b) all the children and young people in its area who have a disability.”

Amendment
No.

After Clause 22

BARONESS WILKINS
BARONESS HOWE OF IDLICOTE
LORD LOW OF DALSTON

- 18C** Insert the following new Clause –
- “Data on the number of children and young people with special educational needs and disabilities**
- (1) A local authority in England must publish information annually within the local offer on the number of children and young people in its area who have special educational needs and disabilities.
- (2) Information under subsection (1) must be published by type of special educational need and disability.”

Clause 23

LORD NASH

- 18D** Transpose Clause 23 to after Clause 24

Clause 24

LORD NASH

- 18E** Page 20, line 38, at end insert “or a disability”
- 18F** Page 21, line 7, after “needs” insert “or disability”

Clause 25

LORD NASH

- 18G** Page 21, line 11, leave out “special educational” and insert “educational provision and training”
- 18H** Page 21, line 14, after “needs” insert “or a disability”

Clause 26

LORD NASH

- 18J** Page 21, line 32, after first “for” insert “–
(a) ”
- 18K** Page 21, line 33, at end insert “, and
(b) children and young people in the authority’s area who have a disability.”
- 18L** Page 21, line 40, after “by” insert “–
(i) ”
- 18M** Page 21, line 42, leave out “concerned” and insert “within subsection (1)(a)”

Amendment
No.**Clause 26** – *continued*

- 18N** Page 21, line 42, after “needs” insert “, and
(ii) the disabilities of the children and young people within subsection (1)(b)”

LORD RAMSBOTHAM

- 19** Page 22, line 15, at end insert –
“() securing for children and young people with special educational needs but no EHC plan the education, health and care provision agreed under subsection (3)(a).”

- 20** Page 22, line 18, leave out “have regard to” and insert “act in accordance with”

- 21** Page 22, line 19, at end insert –
“(c) ensure that, following operation of the dispute resolution procedures mentioned in subsection (3)(g), agreement between the partners is reached on the matters set out in subsection (3), and ensure that arrangements are in place, as set out in subsection (4), and then put into effect.”

LORD NASH

- 21A** Page 22, line 27, after second “for” insert “ –
(i) ”

- 21B** Page 22, line 29, after “needs” insert “, or
(ii) any children and young people in the authority’s area who have a disability”

- 21C** Page 22, line 32, leave out “such children and young people” and insert “children and young people within paragraph (a)”

LORD RAMSBOTHAM

- 22** Page 22, line 32, at end insert –
“() Where a clinical commissioning group, or the NHS Commissioning Board, is a partner commissioning body, the agreements and arrangements referred to in subsections (1) to (5) are not to be taken to be constrained by reference to what that group or Board has separately decided to be necessary for the purposes of its duty under section 3 or section 3B of the National Health Service Act 2006 as the case may be.”

- 23** Page 22, line 36, at end insert –
“(10) Before making arrangements for the purposes of subsection (1), or before agreeing the matters set out in subsections (3) to (5) or any of them, the local authority, and its partner commissioning bodies, shall consult those persons and bodies specified in section 27(3).”

- 24** Page 22, line 36, at end insert –
“(11) The arrangements made and the matters agreed following consultation under subsection (10) shall be published by the local authority and its partner commissioning bodies as prescribed by regulations.”

Amendment
No.

Clause 27

LORD NASH

- 24A** Page 22, line 40, leave out “special educational” and insert “educational provision, training”
- 24B** Page 22, line 42, after “needs” insert “or a disability”

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 25** Page 22, line 42, after “needs,” insert “including organisations that provide online or blended learning (or both),”

LORD NASH

- 25A** Page 22, line 43, leave out “special educational” and insert “educational provision, training”
- 25B** Page 22, line 44, after first “for” insert “—
(i) ”
- 25C** Page 22, line 45, at end insert “, and
(ii) children and young people in its area who have a disability.”
- 25D** Page 23, line 2, leave out “special educational” and insert “educational needs, training”

BARONESS HOWE OF IDLICOTE

- 25E** Page 23, line 3, at end insert—
- “(2A) If the educational and social care provision referred to in subsection (1)(a) and (b) is deemed insufficient to meet the needs of children and young people under subsection (2), a local authority must—
- (a) publish these findings;
 - (b) involve those consulted under subsection (3) in producing an action plan to revise the educational and social care provision referred to in subsection (1)(a) and (b);
 - (c) review and report on progress against the action plan; and
 - (d) revise the local offer accordingly.
- (2B) Regulations shall make provision about—
- (a) criteria to be used by local authorities in assessing whether the educational and social care provision referred to in subsection (1)(a) and (b) is sufficient under subsection (2);
 - (b) the information to be included in an authority’s action plan;
 - (c) how an authority is to involve children, young people and families in the production of, and assessment of progress against, its action plan;
 - (d) imposing time limits on implementing the revision of the educational and social care provision referred to in subsection (1)(a) and (b) that has been deemed insufficient under subsection (2A).”

**Amendment
No.**

Clause 27 – continued

LORD NASH

- 25F** Page 23, line 5, leave out paragraph (a) and insert –
 “() children and young people in its area with special educational needs, and the parents of children in its area with special educational needs;
 () children and young people in its area who have a disability, and the parents of children in its area who have a disability;”
- 25G** Page 23, line 17, after “by” insert “ –
 (i) ”
- 25H** Page 23, line 18, at end insert “, or
 (ii) children or young people in its area who have a disability”
- 25J** Page 23, line 20, after “to” insert “ –
 (i) ”
- 25K** Page 23, line 20, at end insert “, or
 (ii) children or young people in its area who have a disability”

THE COUNTESS OF MAR
 BARONESS MASHAM OF ILTON
 BARONESS MASSEY OF DARWEN

- 26** Page 23, line 21, at end insert “including alternative and online providers”

Clause 28

THE COUNTESS OF MAR
 BARONESS MASHAM OF ILTON
 BARONESS MASSEY OF DARWEN

- 27** Page 24, line 14, at end insert “including organisations that provide online or blended learning (or both)”

Clause 29

THE COUNTESS OF MAR
 BARONESS MASHAM OF ILTON
 BARONESS MASSEY OF DARWEN

- 28** Page 25, line 5, at end insert –
 “() independent alternative education providers including providers of online or blended learning (or both)”
- 29** Page 25, line 17, at end insert –
 “() in the case of an alternative education provider, a member of the senior team.”

Amendment
No.

Clause 30

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

30 Page 25, line 21, leave out “it expects to be” and insert “which is”

LORD NASH

30A Page 25, line 23, after “needs” insert “or a disability”

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

31 Page 25, line 24, leave out “it expects to be” and insert “which is”

LORD NASH

31A Page 25, line 25, after first “for” insert “—
(i) ”

31B Page 25, line 26, at end insert “, and
(ii) children and young people in its area who have a
disability.”

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

32 Page 25, line 29, at end insert “including online and blended learning”

LORD NASH

32A Page 25, line 30, at beginning insert “other”

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

33 Page 26, line 2, after “received” insert “, including the use of alternative education providers and online educational tools,”

LORD NASH

33A Page 26, line 2, at end insert “—
(i) ”

33B Page 26, line 4, at end insert—
“(ii) children and young people who have a disability, and the
parents of children who have a disability, and”

33C Page 26, line 5, at end insert “(including details of any action the authority intends to take)”

Amendment
No.

Clause 30—*continued*

LORD LOW OF DALSTON
BARONESS HUGHES OF STRETFORD

- 33D** Page 26, line 5, at end insert—
- “(6A) The Secretary of State shall lay a draft of regulations setting out the standards and quality of the special educational provision, health care provision and social care provision which local authorities must meet in 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.”

LORD NASH

- 33E** Page 26, line 13, after “involve” insert “—
- (i) ”
- 33F** Page 26, line 15, leave out from “needs,” to end of line and insert “and
- (ii) children and young people who have a disability, and the parents of children who have a disability,
- in the preparation and review of its local offer;”
- 33G** Page 26, line 21, at end insert “—
- (i) ”
- 33H** Page 26, line 23, at end insert “, and
- (ii) children and young people who have a disability and those who care for them”

Clause 32

LORD NASH

- 33J** Page 27, line 4, after first “for” insert “children and young people for whom it is responsible, and”
- 33K** Page 27, line 5, leave out “and young people for whom it is responsible,”
- 33L** Page 27, line 7, at end insert—
- “(1A) A local authority in England must arrange for children and young people in its area with a disability, and the parents of children in its area with a disability, to be provided with advice and information about matters relating to the disabilities of the children or young people concerned.”
- 33M** Page 27, line 9, leave out “subsection (1)” and insert “subsections (1) and (1A)”
- 33N** Page 27, line 10, at end insert—
- “() children in its area;”

Amendment
No.

Clause 32— *continued*

33P Page 27, line 15, leave out “subsection (1)” and insert “subsections (1) and (1A)”

Clause 34

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

34 Page 28, line 14, after “school” insert “, through the provision of alternative education including online or blended learning (or both),”

BARONESS HOWE OF IDLICOTE

34A Page 28, line 41, leave out subsection (9)

Clause 36

BARONESS SHARP OF GUILDFORD

34B Page 30, line 20, leave out subsection (10)

LORD NASH
BARONESS SHARP OF GUILDFORD
BARONESS CUMBERLEGE

34C★ Page 30, line 20, after “In” insert “making a determination or”

34D★ Page 30, line 21, leave out “have regard to his or her age” and insert “consider whether he or she requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete his or her education or training”.

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

34E★ Page 30, line 21, leave out “age” and insert “educational progress”

Clause 37

BARONESS SHARP OF GUILDFORD
LORD NASH
BARONESS CUMBERLEGE

34F Page 31, line 10, leave out subsection (4)

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

34G★ Page 31, line 11, leave out “age” and insert “educational progress”

**Amendment
No.**

Clause 38

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 35** Page 31, line 36, at end insert—
“() a provider of alternative educational provision including providers of online or blended learning (or both).”

Clause 39

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 36** Page 32, line 11, at end insert—
“() in the case of alternative education providers, a member of the senior team.”

Clause 41

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 37** Page 33, line 34, after “institution” insert “, including providers of online or blended learning (or both),”

Clause 42

LORD RIX
LORD LOW OF DALSTON
BARONESS HUGHES OF STRETFORD
BARONESS SHARP OF GUILDFORD

- 38** Page 34, line 10, at end insert—
“() 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 43

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 39** Page 34, line 24, at end insert—
“() a provider of alternative educational provision including online or blended learning (or both).”

Amendment
No.

Clause 44

BARONESS SHARP OF GUILDFORD

39A Page 35, line 7, leave out subsection (5)

LORD NASH
BARONESS SHARP OF GUILDFORD
BARONESS CUMBERLEGE

39B★ Page 35, line 9, leave out “his or her age” and insert “whether the educational or training outcomes specified in the plan have been achieved”

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

39C★ Page 35, line 9, leave out “age” and insert “educational progress”

Clause 45

LORD NASH
BARONESS SHARP OF GUILDFORD
BARONESS CUMBERLEGE

39D★ Page 35, line 37, leave out “child or young person” and insert “young person aged over 18”

39E★ Page 35, line 39, after “educational” insert “or training”

BARONESS SHARP OF GUILDFORD
LORD NASH
BARONESS CUMBERLEGE

39F Page 35, line 41, leave out subsection (4)

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

39G★ Page 35, line 43, leave out “age” and insert “educational progress”

Clause 49

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

40 Page 37, line 18, at end insert “, including online or blended learning provision (or both)”

Amendment
No.

Clause 51

LORD RIX
LORD LOW OF DALSTON
BARONESS HOLLINS

- 40A★** Page 38, line 42, at end insert –
 “(g) the social care provision specified in an EHC plan;
 (h) the healthcare provision specified in an EHC plan.”

Clause 57

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 41** Page 43, line 29, at end insert “including those institutions that provide alternative educational provision and online or blended learning (or both)”

Clause 59

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 42** Page 44, line 16, at end insert “that has been agreed to by the parent as being suitably provided and is therefore included in the EHC plan”
- 43** Page 44, line 30, after “institution” insert “, by an alternative education provider or in any place”

After Clause 61

LORD LOW OF DALSTON

- 43A★** Insert the following new Clause –
“Guidance on duty to maintain a register of disabled children and young people under section 17 of the Children Act 1989

The Secretary of State shall issue impairment specific guidance, whether in regulation or otherwise, to local authorities on how they can most effectively discharge their duty to maintain a register of disabled children and young people under section 17 of the Children Act 1989.”

Clause 62

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 44** Page 45, line 35, at end insert –
 “() alternative education providers including providers of online or blended learning (or both)”

Amendment
No.

Clause 62 – *continued*

- 45** Page 45, line 39, leave out from “provision” to end of line 40 and insert “that is requested by the pupil or student or the pupil or student’s parents (or both)”

LORD ADDINGTON

- 45A** Page 45, line 40, at end insert –
- “() On using their best endeavours to fully meet the special educational needs of a registered student at a school or other institution, the school or other institution must undertake an audit of the skills and knowledge of its workforce to deliver a graduated approach to special educational provision.”

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

- 46** Page 46, line 2, at end insert –
- “() in the case of alternative education providers, a member of the senior team”

Clause 63

LORD ADDINGTON

- 46A** Page 46, line 20, at end insert –
- “() The appropriate authority must ensure that those SEN co-ordinators who have not undertaken a module on special educational needs within a year must either –
- (a) demonstrate their core competence for the position through appropriate CPD activity; or
 - (b) have opportunities to undergo further training.”

After Clause 63

LORD ADDINGTON

- 46B** Insert the following new Clause –
- “Assessment of newly qualified teachers**
- (1) This section imposes duties on the appropriate authorities for the following schools in England –
 - (a) mainstream schools, and
 - (b) maintained nursery schools.
 - (2) The appropriate authority should assess all newly qualified teachers within one year of being in post, so that they are prepared to teach children with special educational needs the full range of needs they should expect to find in a mainstream state-funded school.”

Amendment
No.

After Clause 63 – continued

46C Insert the following new Clause –

“Apprenticeship support

Apprenticeship training providers must enable individuals undertaking an apprenticeship to access the full range of special education provisions to which they are entitled under this Act, the Equality Act 2010 and the Apprenticeship, Skills, Children and Learning Act 2009.”

46D Insert the following new Clause –

“Apprenticeship re-assessment

Those individuals, with special educational needs, who fail the key skills or functional skills component of the Apprenticeship Frameworks must have the opportunity to be reassessed.”

Clause 64

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

47 Page 46, line 35, at end insert –

“() in the case of alternative education providers, a member of the senior team”

Clause 67

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

48 Page 48, line 33, at end insert “including providers of alternative educational provision including online and blended learning”

After Clause 68

BARONESS WILKINS
BARONESS HOWE OF IDLICOTE
LORD LOW OF DALSTON

48ZA Insert the following new Clause –

“Inspection and review of local authority special educational needs provision

Services included in the local offer that are delivered or commissioned by the local authority for the provision of specialist education support for children with special educational needs under this Act shall be subject to inspection by an appointed regulator and the findings shall be published.”

Amendment
No.

Before Clause 69

LORD ADDINGTON

48A Insert the following new Clause –

“Special educational needs screening test

After section 562E(2) of the Education Act 1996 insert –

- “(3) The host authority must make arrangements to ensure that the work force have skills and knowledge to identify special educational needs, particularly specific learning difficulties, and put effective interventions in place.””

After Clause 69

LORD RAMSBOTHAM
BARONESS WARNOCK

49 Insert the following new Clause –

“Maintaining an EHC plan for detained young persons

After section 562C(2) of the Apprenticeships, Skills, Children and Learning Act 2009, insert –

- “(3) The host local authority must make arrangements to secure special educational provision and health care provision in accordance with an EHC plan as agreed with the home local authority whilst the young person is detained in relevant youth accommodation.
- (4) Regulations may make provision about maintaining an EHC plan for a detained young person, in particular –
- (a) how the host and home local authority determine the provisions of the EHC plan to be maintained whilst the young person is detained;
 - (b) about circumstances in which a host local authority must or may review an EHC plan or secure a re-assessment whilst the young person is detained;
 - (c) how the provisions of the EHC plan which the host and home local authority maintain are communicated to the young person and parent.””

Clause 70

LORD RAMSBOTHAM
BARONESS HUGHES OF STRETFORD
BARONESS WARNOCK

50 Leave out Clause 70

**Amendment
No.**

Schedule 3

LORD NASH

50A Page 161, line 5, at end insert –

“Children Act 1989 (c. 41)

- (1) The Children Act 1989 is amended as follows.
- (2) In section 23E (pathway plans), in subsection (1A)(a) after “Education Act 1996” insert “or Part 3 of the Children and Families Act 2013”.
- (3) In Part 1 of Schedule 2 (provision of services to families) in paragraph 3 (assessment of children’s needs) after paragraph (b) insert –
 - “(ba) Part 3 of the Children and Families Act 2013;”.

Clause 73

THE COUNTESS OF MAR
BARONESS MASHAM OF ILTON
BARONESS MASSEY OF DARWEN

51 Page 51, line 3, at end insert –

““alternative education provision” means education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed-period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour and education provision can include online and blended learning.”

52 Page 51, line 3, at end insert –

““alternative education provider” means an organisation that looks to provide education for those pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education and this includes providers of online and blended learning.”

LORD NASH

52A Page 51, line 40, at end insert –

“() A child or young person has a disability for the purposes of this Part if he or she has a disability for the purposes of the Equality Act 2010.”

Amendment
No.

After Clause 73

BARONESS JONES OF WHITCHURCH
BARONESS HUGHES OF STRETFORD
BARONESS KIDRON
THE LORD BISHOP OF OXFORD

53 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.”

Schedule 4

BARONESS WALMSLEY
LORD STOREY
BARONESS TYLER OF ENFIELD
BARONESS SHARP OF GUILDFORD

53A Page 171, line 32, at end insert –

“() the quality of the care and early education offered by the early years providers registered with the agency,”

Clause 76

BARONESS TYLER OF ENFIELD
LORD STOREY
BARONESS WALMSLEY
BARONESS SHARP OF GUILDFORD

53B Page 52, line 25, at end insert –

- “() The Secretary of State must, within four years of the coming into force of subsection (1), conduct a review of the impact of removal of section 11 of the Childcare Act 2006 on the sufficiency of childcare in England.
- () The Secretary of State must –
 - (a) lay a copy of the report before Parliament, and
 - (b) publish the report in such a manner as they think fit.”

Amendment
No.

After Clause 78

BARONESS WALMSLEY
LORD STOREY
BARONESS SHARP OF GUILDFORD
BARONESS TYLER OF ENFIELD

54 Insert the following new Clause –

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

In the Education Act 1996, at the end of section 548(7B) (no right to give corporal punishment), insert “except that it applies in relation to 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””.

THE EARL OF LISTOWEL

55 Insert the following new Clause –

“PART 4A

CHILDREN’S CENTRES

Birth registration pilot scheme

Local authorities must establish a pilot scheme to trial the registration of births within children’s centres, and evaluate the effectiveness of the scheme to –

- (a) identify and contact new families; and
- (b) enable children’s centres to reach more families, in particular those with children under the age of two, or who the local authority consider –
 - (i) hard to reach, or
 - (ii) vulnerable.”

56 Insert the following new Clause –

“Information and data sharing

- (1) NHS trusts shall 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 the passing of 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;

Amendment
No.

After Clause 78 – continued

- (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.”

After Clause 79

BARONESS WALMSLEY

57 Insert the following new Clause –

“PART 4A

PROTECTION OF CHILDREN

Actions due to a belief of possession by spirits

- (1) Section 1 of the Children and Young Persons Act 1993 (cruelty to persons under sixteen) is amended as follows.
- (2) In subsection (1) omit the words “and has responsibility for any child or young person under that age,” and for the word “him” substitute “any child or young person under that age”.
- (3) In subsection (2), after paragraph (b) insert –
 - “(c) in subsection (1) the meaning of “ill-treats” includes the communication by word or by action a belief that the child is possessed by evil spirits or has supernatural harmful powers –
 - (i) to the child concerned, or
 - (ii) to anyone connected to that child.””

After Clause 82

BARONESS MASSEY OF DARWEN
BARONESS DRAKE

58 Insert the following new Clause –

“Local authority’s duty to investigate: work with families

In section 47 of the Children Act 1989 after subsection (8) insert –

- “(8A) Where, as a result of complying with this section, a local authority conclude that a child may need to become looked after in order to safeguard and promote their welfare, the local authority must, unless emergency action is required, seek to 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.””

Amendment
No.

After Clause 82 – continued

59 Insert the following new Clause –

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

After section 17B of the Children Act 1989 insert –

“17C Support for family and friends carers when children are not looked after

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.””

After Clause 85

BARONESS MASSEY OF DARWEN

59A Insert the following new Clause –

“Independence of the Children’s Commissioner

In Schedule 1 to the Children Act 2004, in paragraph 1 (status) after subparagraph (2) insert –

- “(3) The Secretary of State shall not undermine the Children’s Commissioner’s independence and shall ensure that the Children’s Commissioner is under as few constraints as reasonably possible in determining –
 - (a) the Commissioner’s activities,
 - (b) the Commissioner’s timetables, and
 - (c) the Commissioner’s priorities.””

After Clause 95

BARONESS FINLAY OF LLANDAFF
LORD FAULKNER OF WORCESTER
BARONESS TYLER OF ENFIELD
LORD McCOLL OF DULWICH

60 Insert the following new Clause –

“Children’s health: standardised tobacco packaging

- (1) The Children and Young Persons (Protection from Tobacco) Act 1991 is amended as follows.

Amendment
No.

After Clause 95 – continued

- (2) After section 3A (sales from vending machines in England and Wales) there is inserted –

“3B Standardised packaging

- (1) The appropriate national authority must, if satisfied that doing so is in the interests of preventing harm to the health of children under the age of 18 or of promoting the health of children under the age of 18, make regulations specifying retail tobacco packaging requirements in England and Wales.
- (2) Regulations made under subsection (1) must provide that retail packaging or tobacco products of any such description, or falling within any such class as may be specified in the regulations, shall not, except in such circumstances as may be so specified, be of any such colour or shape, or display any such mark or trade mark, or any other particulars as may be so specified.
- (3) A person is guilty of an offence if –
 - (a) in the course of a business the person owns or manages retail or commercial premises or a leisure facility; and
 - (b) the person sells or supplies, or has in the premises or facility for sale or supply, any tobacco product; and
 - (c) the retail packaging of the tobacco product does not comply with a specified retail tobacco packaging requirement.
- (4) A person (“person A”) is guilty of an offence if –
 - (a) person A manufactures any tobacco product; and
 - (b) either –
 - (i) person A packages the product for retail sale; or
 - (ii) person A enters into a contract or arrangement, or arrives at an understanding, for another person (person B) to package the product for retail sale; and
 - (c) (in a case falling within paragraph (b)(ii)) the tobacco product is packaged for retail sale by person B; and
 - (d) the retail packaging does not comply with a specified retail tobacco packaging requirement.
- (5) Sections 13, 14 and 15 of the Tobacco Advertising and Promotion Act 2002 (enforcement etc.) apply for the purposes of this section and regulations made under it as they apply for the purposes of provisions of that Act.
- (6) The power of the appropriate national authority to make regulations under this section –
 - (a) is exercisable by statutory instrument,
 - (b) may be exercised to make different provision for different cases or circumstances, and
 - (c) includes power to make supplementary, incidental, consequential or transitional provision.

Amendment
No.

After Clause 95 – continued

- (7) A statutory instrument containing regulations made under this section may not be made –
- (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) In this section –
- “the appropriate national authority” –
- (a) in relation to England, means the Secretary of State; and
 - (b) in relation to Wales, means the Welsh Ministers;
- “container” includes any pack, carton, box, tin, packet, bag, pouch, tube or other container;
- “retail packaging” means –
- (a) container for retail sale in which a tobacco product is directly placed;
 - (b) any container for retail sale that contains a smaller container in which a tobacco product is directly placed;
 - (c) any cigarette paper in which tobacco is contained and anything else forming part of a cigarette other than the tobacco;
 - (d) any plastic or other wrapper that covers any retail packaging of the type described in paragraphs (a) to (c);
 - (e) any plastic or other wrapper that covers a tobacco product, being a tobacco product that is for retail sale; or
 - (f) anything (other than a tobacco product) that is placed inside or is affixed or otherwise attached to retail packaging of the type described in paragraphs (a) to (e) but does not include the lining of a cigarette pack if the lining complies with retail packaging requirements;
- a “retail tobacco packaging requirement” is a requirement relating to any of the following particulars –
- (a) the colour of retail packaging;
 - (b) the shape and material of retail packaging;
 - (c) trade marks or registered trade marks displayed on retail packaging;
 - (d) the labelling of or on packages, packaging or tobacco products, or associated with retail packaging or tobacco products;
 - (e) the contents of retail packaging (including the shape and size of tobacco products);
 - (f) any covert or overt markings, coded numbering or any other security features on retail packaging or tobacco products; or

Amendment
No.

After Clause 95 – continued

- (g) any other particulars relating to retail packaging or tobacco products as may be prescribed by the Secretary of State;
- a “specified retail packaging requirement” is a retail tobacco packaging requirement specified in regulations made under subsection (1);
- “trade mark” and “registered trade mark” have the same meaning as in section 1 of the Trade Marks Act 1994.””

LORD HUNT OF KINGS HEATH
BARONESS HUGHES OF STRETFORD

61 Insert the following new Clause –

“Protection of children’s health: standardised tobacco packaging

The Secretary of State shall, within six months of this Act coming into force, bring forward legislation making it an offence, where the sale or supply of any tobacco product would have a detrimental impact on the health or wellbeing of children under 18, for anyone to sell or supply any tobacco product, the retail packaging of which is not free of any colour, shape, trademark or any other mark as may be specified in regulations by the Secretary of State.”

LORD RIBEIRO
BARONESS FINLAY OF LLANDAFF
BARONESS TYLER OF ENFIELD
LORD FAULKNER OF WORCESTER

62 Insert the following new Clause –

“Offence of failing to prevent smoking in a private vehicle when children are present

- (1) The Health Act 2006 is amended as follows.
- (2) After section 8 there is inserted –

“8A Offence of failing to prevent smoking in a private vehicle when children are present

- (1) It is the duty of any person who drives a private vehicle to ensure that that vehicle is smoke-free whenever a child or children under the age of 18 are in such vehicle or part of such vehicle.
- (2) A person who fails to comply with the duty in subsection (1) commits an offence.
- (3) A person convicted of an offence under this section who has not previously been convicted of such an offence shall have the option of attending a smoke-free driving awareness course in place of paying a fine under subsection (4).
- (4) A person who does not wish to attend an awareness course or who has previously been convicted of an offence under this section is liable on summary conviction to a fine of £60.

Amendment
No.

After Clause 95 – continued

- (5) The Secretary of State may introduce regulations to alter the level of penalty payable under subsection (4).
 - (6) The Secretary of State shall update all relevant regulations regarding the offence created under subsection (2) within six months of this section coming into force.
 - (7) The Secretary of State shall introduce regulations within six months of this section coming into force to prescribe the format of the awareness course in subsection (3).”
- (3) In section 79(4)(a), for “or 8(7)” substitute “, 8(7), or 8A(5)”.”

After Clause 100

BARONESS DRAKE
BARONESS MASSEY OF DARWEN

63

Insert the following new Clause –

“Kinship carers’ adjustment leave

- (1) A qualifying employee who satisfies prescribed conditions may be absent from work at any time during an adjustment leave period.
- (2) An adjustment leave period is a period calculated in accordance with regulations made by the Secretary of State.
- (3) The regulations under subsection (2) shall include provision for determining the extent of an employee’s entitlement to leave under this section but shall secure that where an employee is entitled to leave under this section a period prescribed by the Secretary of State.
- (4) An employee who exercises his or her rights under subsection (1) –
 - (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he or she had not been absent,
 - (b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
 - (c) is entitled to return from leave to a job of a prescribed kind.
- (5) For the purposes of this section, an employee is a qualifying employee if –
 - (a) he or she is a family and friends (kinship) carer looking after a child full-time because the parent(s) is unable to look after the child, and
 - (b) he or she meets the criteria set out in the regulations under subsection (2).”

Amendment
No.

Clause 118

LORD NASH

- 64 Page 123, line 2, at end insert –
“(1A) Section (*Contact between prescribed persons and adopted person’s relatives*) –
(a) so far as it relates to England, comes into force on such day as the Secretary of State appoints by order, and
(b) so far as it relates to Wales, comes into force on such day as the Welsh Ministers appoint by order.”
- 65 Page 123, line 9, after “subsection” insert “(1A),”

In the Title

LORD NASH

- 66 Line 2, after “needs” insert “or disabilities”

Children and Families Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

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