

Children and Families Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 73

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Duty to ensure sufficient support

- (1) It shall be the general duty of every local authority to take steps to ensure that, so far as reasonably practicable, a range and level of services are provided sufficient to improve the wellbeing of young carers who are ordinarily resident in their area.
- (2) The reference in subsection (1) to services may include those provided by institutions referred to elsewhere in this Act, as well as to those provided on a regular basis by charitable and voluntary organisations.
- (3) In discharging its duty under subsection (1), a local authority must have regard to –
 - (a) data gathered by other agencies in exercising their duties under sections (*Health bodies: duties with respect to young carers*), (*Schools: duties with respect to young carers*) and (*Further and higher education institutions: duties with respect to student carers*);
 - (b) any guidance given from time to time by the Secretary of State.”

Insert the following new Clause –

“Duty to assess social care provision for young carers

- (1) In determining for the purposes of section (*Duty to ensure sufficient support*) whether the provision of social care support is sufficient to meet the needs of young carers, a local authority must –
 - (a) undertake an assessment of social care needs of disabled people and young carers in their area;
 - (b) undertake an assessment of the sufficiency of the supply of social care services for disabled people and young carers in their area;

After Clause 73 – continued

- (c) publish a strategy setting out the steps to ensuring sufficiency of supply of social care services for disabled people and young carers in their area;
 - (d) have regard to any guidance given from time to time by the Secretary of State; and
 - (e) any further requirements the Secretary of State deems necessary.
- (2) In relation to paragraphs (1)(a) and (b), the Secretary of State may by regulations define the assessments of social care needs and sufficiency of supply of social care services.”

Insert the following new Clause –

“Health bodies: duties with respect to young carers

- (1) In exercising their general functions health bodies must –
- (a) promote and safeguard the wellbeing of young carers;
 - (b) ensure that effective procedures exist to identify patients who are or are about to become carers;
 - (c) ensure that effective procedures exist to identify patients who it may be reasonably assumed may be receiving care from a child or young person for whom they are responsible;
 - (d) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and
 - (e) ensure that systems are in place to ensure that the relevant general medical services are rendered to their patients who are young carers, or to the young carers of their patients.
- (2) In relation to paragraphs (1)(b), (c) and (d), the Secretary of State may by regulations further provide for the strategies to be developed.”

Insert the following new Clause –

“Schools: duties with respect to young carers

- (1) The appropriate authorities of schools must ensure that, within 12 months of the passing of this Act, they take all reasonable steps to ensure that there is in place a policy which –
- (a) identifies young carers within the school; and
 - (b) makes arrangements for the provision within school of appropriate support to promote the wellbeing and improve the educational attainment of pupils who are young carers.
- (2) In discharging its duty under subsection (1), where appropriate the authority must –
- (a) consult with the family of the child or young person identified, or the young person themselves;
 - (b) involve the local authority in which the identified pupil is ordinarily resident;
 - (c) refer the identified pupil to additional services outside the school;
 - (d) have regard to any guidance given from time to time by the Secretary of State.
- (3) The “appropriate authority” for a school is –
- (a) in the case of a maintained school, the governing body;

After Clause 73 – continued

- (b) in the case of an Academy, the proprietor;
- (c) in the case of a pupil referral unit, the management committee.”

Insert the following new Clause –

“Further and higher educational institutions: duties with respect to student carers

- (1) The responsible body of an institution to which this section applies must, within 12 months of the passing of this Act, identify or make arrangements to identify student carers and have a policy in place on promoting the wellbeing of student carers.
- (2) This section applies to –
 - (a) a university;
 - (b) any other institution within the higher education sector;
 - (c) an institution within the further education sector.
- (3) A responsible body is –
 - (a) in the case of an institution in paragraphs (2)(a) or (b), the governing body;
 - (b) in the case of a college of further education under the management of a board of management, the board of management;
 - (c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.
- (4) In discharging its duty under subsection (1), where appropriate the authority must –
 - (a) consult with the family of the child or young person identified, or the young person themselves;
 - (b) involve the local authority in which the identified pupil is ordinarily resident;
 - (c) refer the identified student to additional services outside of the institution; and
 - (d) have regard to any guidance given from time to time by the Secretary of State.”

Insert the following new Clause –

“Interpretation

In this Part –

“carer” has the same meaning as in section 1 of the Carers (Recognition and Services) Act 1995;

“young carer” means a person under 18 years of age who carries out caring tasks and assumes a level of responsibility for another person which would normally be carried out by an adult;

“student carer” means a person enrolled with an institution in the further or higher education sector who carries out caring tasks and assumes a level of responsibility for another person with a disability;

After Clause 73 – continued

“wellbeing” means the state of young carers so far as relating to –

- (a) physical and mental health and emotional wellbeing;
- (b) control by them over their day-to-day lives;
- (c) participation in education, training or recreation;
- (d) social and economic well-being;
- (e) domestic, family and personal relationships;
- (f) the contribution made by them to society.

“children’s services” means services that could be provided under section 17(1) of the Children Act 1989;

“community care services” has the same meaning as in section 46(3) of the National Health Service and Community Care Act 1990;

“disability” has the same meaning as in section 6 of the Equality Act 2010;

“general medical services” has the same meaning as in the National Health Service Act 2006;

“health bodies” includes –

- (a) “Clinical Commissioning Groups”, which has the same meaning as in section 11 of the National Health Service Act 2006;
- (b) “Foundation Trusts”, which has the same meaning as in section 30 of the National Health Service Act 2006;
- (c) “NHS Trusts”, which have the same meaning as in section 25 of the National Health Service Act 2006; and
- (d) “the NHS Commissioning Board”, which has the same meaning as in section 1H of the National Health Service Act 2006;

“higher education” and “further education” have the same meanings as in section 94 of the Equality Act 2010;

“local authority” means a county council, district council, London borough council, the Greater London Authority or the Common Council of the City of London;

“social care services” means any support that could be provided by a local authority in discharge of its functions under the Local Authority Social Services Act 1970 or pursuant to its powers under section 2 of the Local Government Act 2000.”

After Clause 88

BARONESS HUGHES OF STRETFORD
LORD HUNT OF KINGS HEATH
BARONESS JONES OF WHITCHURCH
BARONESS WHEELER

[As amendments to the first After Clause 88 amendment printed on sheet HL Bill 32(d)]

Line 6, leave out “may” and insert “must”

Line 10, leave out “may” and insert “must”

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