

Children and Families Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE
[Supplementary to the Tenth Marshalled List]

After Clause 76

LORD NASH

240R Insert the following new Clause—

“Discharge of authority’s duty to secure free early years provision

- (1) Part 1 of the Childcare Act 2006 (general functions of local authorities in England in relation to childcare) is amended as follows.
- (2) After section 7 (duty to secure early years provision free of charge in accordance with regulations) insert—

“7A Discharge of duty under section 7

- (1) Regulations may require an English local authority to discharge its duty to a young child under section 7 by making arrangements which secure that an early years provider chosen by a parent of the child provides the early years provision to which the child is entitled in cases where—
 - (a) the early years provider is willing to provide it, and
 - (b) the early years provider is also willing to accept—
 - (i) any terms as to the payments which would be made to him or her in respect of the provision, and
 - (ii) any requirements which would be imposed in respect of it.
- (2) Arrangements made by an authority to satisfy any requirement imposed under subsection (1) may be made with an early years provider or with an early years childminder agency or any other person who is able to arrange for an early years provider to provide early years provision.
- (3) The regulations may provide that such a requirement—
 - (a) applies only if the early years provider is of a prescribed description;

After Clause 76—continued

- (b) applies only if the early years provision provided by the early years provider is of a prescribed description;
 - (c) does not apply in prescribed circumstances.
- (4) The regulations may provide that arrangements made by an authority for the purpose of complying with such a requirement must include provision allowing the local authority to terminate the arrangements in prescribed circumstances.
- (5) In this section—
- “early years childminder agency” and “early years provider” have the same meanings as in Part 3;
 - “parent” has the same meaning as in section 2.”
- (3) After section 9 (arrangements between local authority and childcare providers) insert—

“9A Arrangements made by local authorities for the purposes of section 7

Regulations may provide that arrangements made by an English local authority for the purpose of discharging its duty under section 7—

- (a) may impose requirements on the person with whom the arrangements are made only if the requirements are of a prescribed description;
- (b) may not impose requirements of a prescribed description on the person with whom the arrangements are made.”

BARONESS HUGHES OF STRETFORD
 BARONESS JONES OF WHITCHURCH
 [As an amendment to Amendment 240R]

240S★ Line 13, at end insert—

- “() the overall effectiveness of the provision was awarded a grade of “good” or better in its most recent early years provision inspection report or childminder agency inspection report;”

After Clause 85

BARONESS HUGHES OF STRETFORD
 BARONESS JONES OF WHITCHURCH

255A★ Insert the following new Clause—

“Accountability of the Children’s Commissioner to Parliament

- (1) The Children’s Commissioner must report in person to the Joint Committee on Human Rights annually on the exercise and performance of his or her duties (an “annual accountability hearing”).
- (2) Regulations may make further provisions about annual accountability hearings.”

Clause 89

LORD TOUHIG

266AAA★ Page 66, line 38, at end insert –

- “() Where, during an employee’s shared parental leave, it is not reasonably practicable by reason of redundancy for the employer to continue to employ him or her under an existing contract of employment, the employee is entitled to be offered a suitable alternative vacancy that arises during the shared parental leave period.
- () The shared parental leave period means the period from the date of notification of intention to take shared parental leave, ending at 52 weeks from the birth of the employee’s baby.
- () Where there is a suitable alternative vacancy with the employer or his successor or an associated employer, it must be offered before the end of the existing contract of employment and takes effect immediately on the ending of the previous contract.
- () The new contract of employment must be both suitable work for the employee and appropriate for him or her to do in the circumstances and its provisions as to the capacity and place in which he or she is to be employed, and as to the other terms and conditions of employment are not substantially less favourable than if he or she had continued to be employed under the previous contract.”

Clause 90

LORD TOUHIG

266D★ Page 68, line 24, at end insert –

- “(za) in subsection (2) at the end there is inserted “for each child born as a result of the pregnancy in addition to the entitlement to allow the Secretary of State to regulate for additional maternity leave under section 73”

After Clause 90

LORD TOUHIG

266E★ Insert the following new Clause –**“Statutory maternity pay for multiple births**

The Social Security Contributions and Benefits Act 1992 is amended as follows.

In section 164 (statutory maternity pay – entitlement and liability to pay), in subsection (9) there is inserted –

- “(aa) specify circumstances in which there is a liability to make additional statutory maternity payments to a woman who has given birth to more than one child as a result of a single pregnancy;”.

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