

# Children and Families Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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

Clauses 1 to 6	Clauses 75 to 94
Schedule 1	Schedule 5
Clauses 7 to 12	Clause 95
Schedule 2	Schedule 6
Clauses 13 to 72	Clauses 96 to 105
Schedule 3	Schedule 7
Clauses 73 and 74	Clauses 106 to 119
Schedule 4	

*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**Before Clause 1**

LORD NASH

**1** Insert the following new Clause –

**“Contact between prescribed persons and adopted person’s relatives**

(1) In section 98 of the Adoption and Children Act 2002 (pre-commencement adoptions: information), after subsection (1) insert –

“(1A) Regulations under section 9 may make provision for the purpose of facilitating contact between persons with a prescribed relationship to a person adopted before the appointed day and that person’s relatives.”

(2) In each of subsections (2) and (3) of that section, for “that purpose” substitute “a purpose within subsection (1) or (1A)”.

(3) In subsection (7) of that section, after the definition of “appointed day” insert –

““prescribed” means prescribed by regulations under section 9;”.

Amendment  
No.

**Clause 2**

BARONESS BUTLER-SLOSS  
BARONESS JONES OF WHITCHURCH  
BARONESS HUGHES OF STRETFORD

2 Page 2, line 12, at end insert—

“( ) In subsection (4)(d) (matters to which court or adoption agency must have regard), after “the child’s age, sex, background” insert “and (except in relation to an adoption agency in Wales, to which subsection (5) applies) religious persuasion, racial origin and cultural and linguistic background.”

BARONESS HAMWEE  
BARONESS WALMSLEY

3★ Page 2, line 12, at end insert—

“( ) In subsection (4)(d) (matters to which the court or adoption agency must have regard), leave out “the child’s age, sex, background and” and insert “In the case of an adoption agency in England the child’s background, and in the case of an adoption agency in Wales the child’s age, sex, background and in both cases”.”

**Clause 3**

BARONESS HUGHES OF STRETFORD  
BARONESS MEACHER  
BARONESS BUTLER-SLOSS

4 Page 2, line 36, at end insert—

“( ) When it relates to a direction given under subsection (3)(b) or (c), the power to make a direction under subsection (1) will be exercisable by statutory instrument not to be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

5 Page 3, leave out lines 1 and 2

LORD NASH

6 Page 3, line 2, at end insert—

“(2) The Secretary of State may not give a direction under subsection (1) of section 3A of the Adoption and Children Act 2002 (as inserted by subsection (1)) to all local authorities in England before 1 March 2015.”

Amendment  
No.

**After Clause 6**

THE EARL OF LISTOWEL  
BARONESS HOWARTH OF BRECKLAND  
BARONESS HOWE OF IDLICOTE

7 Insert the following new Clause –

**“Looked after children: duty to provide information about support on returning home to care of parents or others with parental responsibility**

- (1) Except in circumstances prescribed by regulations, a local authority must provide the information specified in subsection (2) to –
  - (a) any person who has contacted the authority to request information about “return home support services” for a looked after child returning home to the care of P; and
  - (b) any P within the authority’s area, to whose care a looked after child has returned, who has contacted the authority to request any of the information specified in subsection (2).
- (2) The information is –
  - (a) information about the return home support services available to people in the authority’s area;
  - (b) information about the authority’s duties under section 22(3A) of the Children Act 1989 (“return home support services”: personal budgets) and regulations made under it;
  - (c) any other information prescribed by regulations.”

8 Insert the following new Clause –

**“Looked after children returning to care**

- (1) Whenever a local authority decide that a looked after child should return to the care of P, the local authority must assess and monitor the support needs of the child and P for as long as is necessary to safeguard and promote the child’s welfare.
- (2) After carrying out an assessment of the support needs of a looked after child in accordance with subsection (1), the local authority must provide a child in care, and, in the case of formerly accommodated children, offer to provide, “return home support services” to meet identified the support needs for as long as is necessary to safeguard and promote the child’s welfare.
- (3) Whenever the local authority provide “return home support services” under subsection (2), they must prepare a personal budget if asked to do so by P or the child or (in prescribed circumstances) a person of a prescribed description.
- (4) The authority should prepare a “personal budget” if they identify an amount as available to secure return home support services that they have decided to provide, with a view to the recipient being involved in securing those services.
- (5) Regulations may make provision about personal budgets, in particular –
  - (a) about requests for personal budgets;
  - (b) about the amount of a personal budget;
  - (c) about the sources of the funds making up a personal budget;

Amendment  
No.

**After Clause 6 – continued**

- (d) for payments (“direct payments”) representing all or part of a personal budget to be made to the recipient, or (in prescribed circumstances) a person of a prescribed description, in order to secure any return home support services to which the budget relates;
  - (e) about the description of the return home support services to which personal budgets and direct payments may (and may not) relate;
  - (f) for a personal budget or direct payment to cover the agreed cost of the return home support services to which the budget or payment relates;
  - (g) about when, how, to whom and on what conditions direct payments may (and may not) be made;
  - (h) about when direct payments may be required to be repaid and the recovery of unpaid sums;
  - (i) about conditions with which a person or body making direct payments must comply before, after or at the time of making a direct payment;
  - (j) about arrangements for providing information, advice or support in connection with personal budgets and direct payments.
- (6) If the regulations include provision authorising direct payments, they must –
- (a) require the consent of the recipient, or (in prescribed circumstances) a person of a prescribed description, to be obtained before direct payments are made;
  - (b) require the authority to stop making direct payments where the required consent is withdrawn.
- (7) Any return home support services secured by means of direct payments made by a local authority are to be treated as support services provided by the authority for all purposes, subject to any prescribed conditions or exceptions.
- (8) In this section “prescribed” means prescribed by regulations.”

**Clause 7**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS BUTLER-SLOSS  
BARONESS EATON

9

Page 6, line 12, at end insert –

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

Amendment  
No.

**After Clause 7**

BARONESS YOUNG OF HORNSEY

**10** Insert the following new Clause –

**“Care leavers’ access to personal information**

- (1) It shall be the duty of every local authority and voluntary organisation that looks after or provides accommodation for a child or young person to maintain such records as prescribed by regulations.
- (2) Regulations may provide for the transfer of records held by voluntary organisation comprehensive information from the records relating to their personal history, family background and time in care.
- (3) A care leaver has the right, at his request, to receive from the local authority or voluntary organisation comprehensive information from the records relating to their personal history, family background and time in care while they were a looked after child or young person, and such information will include personal sensitive data and also identifying information about other family members, acquaintances and significant others.
- (4) Subsections (1) and (3) do not apply to a request for information in circumstances where the local authority or voluntary organisation is authorised by regulations to withhold the information or any part of it.
- (5) Local authorities and voluntary organisations have a duty to provide appropriate and reasonable support on request, including information and advice, along with explanations of the process of redaction, the offer of appropriate counselling and access to intermediary services to care leavers having received their care records.
- (6) The regulations may provide for the circumstances in which the local authority or voluntary organisation holding the records may arrange for another local authority or voluntary organisation near the care leaver’s home to provide access to the records and support.
- (7) In this section, “care leaver” refers to a person aged 16 and over who has at any time while they were a child or young person been in the care of, or looked after or accommodated by a local authority or voluntary organisation.
- (8) It shall be a defence to any allegation of unlawful disclosure of data under the Data Protection Act 1998 by the data controller, if it can be shown that the data controller has made a reasonable examination of the data and has satisfied himself as to the need to disclose data and identities of individuals whose consent has not been obtained under section 7(4) of the Act having regard to the needs of the care leaver as set out elsewhere in this Act.”

**Clause 9**

LORD NASH

**11** Transpose Clause 9 to after Clause 80

Amendment  
No.

**After Clause 9**

BARONESS BUTLER-SLOSS  
BARONESS BROWNING  
BARONESS HUGHES OF STRETFORD

12 Insert the following new Clause –

**“Functions in respect of former relevant children**

After section 23C(5) of the Children Act 1989 (continuing functions in respect of former relevant children) insert –

- “(5ZA) The assistance given under subsection (4)(c) shall include the continuation of accommodation with the former local authority foster parent, unless –
- (a) the former relevant child states that he or she does not wish to continue residing in such accommodation,
  - (b) the former local authority foster parent does not wish to continue to provide accommodation, or
  - (c) it is not reasonably practicable to arrange such accommodation.
- (5ZB) “Former local authority foster parent” means a local authority foster parent within the meaning of section 22C(12) with whom the former relevant child, as a looked after child, was placed under section 22C(6)(a) or (b).”

LORD McCOLL OF DULWICH  
BARONESS BUTLER-SLOSS  
LORD CARLILE OF BERRIEW  
BARONESS ROYALL OF BLAISDON

13 Insert the following new Clause –

**“Child trafficking guardians for children who may have been victims of human trafficking**

After section 26A of the Children Act 1989 insert –

**“26B Child trafficking guardians for children who may have been victims of human trafficking**

- (1) A child trafficking guardian shall be appointed to represent the best interests of each child who might be a victim of trafficking in human beings if the person who has parental responsibility for the child fulfils any of the conditions set out in subsection (3).
- (2) The child trafficking guardian shall have the following responsibilities to –
  - (a) advocate that all decisions relating to the child are made in the child’s best interest and, where reasonably practicable and consistent with the child’s welfare after ascertaining the child’s wishes and feelings in relation to those decisions;
  - (b) advocate for the child to receive appropriate care, safe accommodation, medical treatment, including psychological assistance, education, translation and interpretation services;

**Amendment  
No.****After Clause 9 – continued**

- (c) assist the child to access legal and other representation where necessary, including, where appropriate, to appoint and instruct the solicitor representing the child on all matters relevant to the interests of the child;
  - (d) consult, advise and inform the child victim of the child’s legal rights;
  - (e) keep the child informed of all relevant immigration, criminal or compensation proceedings;
  - (f) contribute to identification of a plan to safeguard and promote the long-term welfare of the child based on an individual assessment of that child’s best interests;
  - (g) provide a link between the child and various organisations who may provide services to the child;
  - (h) assist in establishing contact with the child’s family, where the child so wishes and it is in the child’s best interests;
  - (i) where appropriate liaise with an immigration officer handling the child’s case in conjunction with the child’s legal representative;
  - (j) accompany the child to all police interviews; and
  - (k) accompany the child whenever the child moves to new accommodation.
- (3) Subsection (1) shall apply if the person who has parental responsibility for the child –
- (a) is suspected of taking part in the trafficking of human beings;
  - (b) has another conflict of interest with the child;
  - (c) is not in contact with the child;
  - (d) is in a country outside the United Kingdom; or
  - (e) is a local authority.
- (4) In subsection (1), a child trafficking guardian may be –
- (a) an employee of a statutory body;
  - (b) an employee of a recognised charitable organisation; or
  - (c) a volunteer for a recognised charitable organisation.
- (5) A person discharging duties as a child trafficking guardian shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.
- (6) Where a child trafficking guardian is appointed under subsection (1), the authority of the child trafficking guardian in relation to the child shall be recognised by any relevant body.
- (7) In subsection (6), a “relevant body” means a person or organisation –
- (a) which provides services to the child;
  - (b) to which a child makes an application for services; or
  - (c) to which the child needs access in relation to being a victim.

Amendment  
No.

**After Clause 9 – continued**

- (8) The appropriate national authority –
- (a) shall by order set out the arrangements for the appointment of a child trafficking guardian as soon as possible after a child is identified as a potential victim of trafficking in human beings;
  - (b) shall by order set out requirements for the training courses to be completed before a person may discharge duties as a child trafficking guardian;
  - (c) shall by order set out the arrangements for the supervision of persons discharging duties as a child trafficking guardian;
  - (d) shall by order set out the arrangements for the provision of support services for persons discharging duties as a child trafficking guardian; and
  - (e) shall by order designate organisations as a “recognised charitable organisation” for the purpose of this section.
- (9) A person’s appointment as a child trafficking guardian for a particular child under this section shall come to an end if –
- (a) the child reaches the age of 18; or
  - (b) a durable solution for the child has been found based on an individual assessment of the best interests of the child.
- (10) In this section, a child is considered to be a “potential victim of trafficking in human beings” when a referral has been made to a competent authority for a determination under the identification process required by Article 10 of the Trafficking Convention (Identification of Victims) and there has not been a conclusive determination that the individual is not such a victim.
- (11) For the purposes of subsection (10), there is a conclusive determination that an individual is not a victim of trafficking in human beings when, on completion of the identification process required by Article 10 of the Trafficking Convention, a competent authority concludes that the individual is or is not such a victim.
- (12) In this section –
- “parental responsibility” has the same meaning as section 3 of this Act;
  - “competent authority” means a person who is a competent authority of the United Kingdom for the purposes of the Trafficking Convention;
  - “the Trafficking Convention” means the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16 May 2005);
  - “trafficking in human beings” has the same meaning as in the Trafficking Convention.””



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.”

**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;

Amendment  
No.

**After Clause 14**—*continued*

- (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.”

**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 Part, 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 RAMSBOTHAM

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 26**

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.”

Amendment  
No.**Clause 26**—*continued*

- 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.”

**Clause 27**

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),”
- 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)”

Amendment  
No.

**Clause 29** – *continued*

- 29** Page 25, line 17, at end insert –  
“( ) in the case of an alternative education provider, a member of the senior team.”

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

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

**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),”

**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.”

**Amendment  
No.**

**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).”

**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)”

**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)”

Amendment  
No.

**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”

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

**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”

Amendment  
No.

**After Clause 69**

LORD RAMSBOTHAM

**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

**50** Leave out Clause 70

**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.”

Amendment  
No.

**After Clause 73**

BARONESS JONES OF WHITCHURCH  
BARONESS HUGHES OF STRETFORD  
BARONESS KIDRON

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.”

**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



Amendment  
No.

**After Clause 78 – continued**

- (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;
  - (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.””

Amendment  
No.

**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 –

“( ) 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 of other person connected with the child, to care for them as an alternative to them becoming looked after by unrelated carers.”

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 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.
- (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.

Amendment  
No.

**After Clause 95 – continued**

- (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.
- (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

Amendment  
No.

**After Clause 95 – continued**

- (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
  - (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.””

Amendment  
No.

*After Clause 95 – continued*

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.
- (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).”

Amendment  
No.

**After Clause 95 – continued**

- (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).”

**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),”



# Children and Families Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*5th December 2013*

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