

Children and Families Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Third Marshalled List]

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HL Bill 59 – III(d)

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After Clause 73

BARONESS HOWE OF IDLICOTE
BARONESS HUGHES OF STRETFORD
LORD CORMACK
BARONESS BENJAMIN

Insert the following new Clause –

“Duty to provide an internet service that protects children

- (1) Internet service providers must provide to subscribers an internet access service which excludes adult content unless all the conditions of subsection (3) have been fulfilled.
- (2) Where mobile telephone operators provide a telephone service to subscribers which includes an internet access service, they must ensure this service excludes adult content unless all the conditions of subsection (3) have been fulfilled.
- (3) The conditions are –
 - (a) the subscriber “opts-in” to subscribe to a service that includes adult content;
 - (b) the subscriber is aged 18 or over; and
 - (c) the provider of the service has an age verification policy which meets the standards set out by OFCOM in subsection (4) and which has been used to confirm that the subscriber is aged 18 or over before a user is able to access adult content.
- (4) It shall be the duty of OFCOM to set, and from time to time to review and revise, standards for the –
 - (a) filtering of adult content in line with the standards set out in section 319 of the Communications Act 2003; and
 - (b) age verification policies to be used under subsection (3) before a user is able to access adult content.

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After Clause 73 – *continued*

- (5) The standards set out by OFCOM under subsection (4) must be contained in one or more codes.
- (6) It shall be the duty of OFCOM to establish procedures for the handling and resolution of complaints in a timely manner about the observance of standards set under subsection (4).
- (7) In this section, internet service providers and mobile telephone operators shall at all times be held harmless of any claims or proceedings, whether civil or criminal, providing that at the relevant time, the internet access provider or the mobile telephone operator –
- (a) was following the standards and code set out by OFCOM in subsection (4); and
 - (b) acting in good faith.
- (8) In this section –
- “adult content” means material which might seriously impair the physical, mental or moral development of persons under the age of eighteen;
- “opts-in” means a subscriber notifies the service provider of his or her consent to subscribe to a service that includes adult content.”

Schedule 4

LORD NASH

Page 171, line 35, leave out “and”

Page 171, line 37, at end insert “, and

- (c) the effectiveness of the arrangements of the early years childminder agency for assuring itself of the quality of the care and education provided by the early years providers registered with it.”

Page 178, line 44, leave out “and”

Page 179, line 2, at end insert “, and

- (c) the effectiveness of the arrangements of the later years childminder agency for assuring itself of the quality of the care and education provided by the later years providers registered with it.”

Clause 118 – *continued*

Page 123, line 6, at end insert –

“() Part 6 comes into force on 1 April 2014.”

After Clause 85 – continued

- (3) Academy arrangements in relation to an Academy (other than a 16 to 19 Academy) that are entered into before the date on which section (*Provision of free school lunches*)(3) of the Children and Families Act 2014 comes into force are to be treated as if they included the provision required by subsection (1), to the extent that they do not otherwise include such provision.”

Clause 86

LORD NASH

Page 60, line 2, after “must” insert “, in particular,”

Clause 92

LORD NASH

Page 63, line 9, leave out “involve children” and insert “consult children or otherwise involve them”

Page 63, line 10, at end insert “, and

- (d) a summary of how the Commissioner has taken into account the results of any such consultation and anything else resulting from involving children in the discharge of his or her functions.”

After Clause 113BARONESS LISTER OF BURTERSETT
BARONESS PITKEATHLEY

Insert the following new Clause –

“Review of care leave

- (1) The Secretary of State must make arrangements –
- (a) for a review of the need for further types of leave arrangements for employees in the United Kingdom, in addition to those that currently exist, with a view to helping families combine care for a disabled child or adult with work, and
 - (b) for a report on the outcome of the review to be produced and published.
- (2) The arrangements made by the Secretary of State must provide for the review to begin as soon as practicable.”

Clause 118

LORD NASH

Page 123, line 5, after “82,” insert “(*Application of suspension etc powers to establishments and agencies in England*),”**Clause 82**BARONESS JONES OF WHITCHURCH
BARONESS HUGHES OF STRETFORD

Page 57, line 34, at end insert –

- “(4AD) For the avoidance of doubt, a direction made pursuant to the provisions of subsection (4A) as amended by subsection (4AA) shall not have the automatic effect of transferring the functions of the Director of Children’s Services and the Lead Member of Children’s Services in sections 18 and 19 of the Children’s Act 2004 to the Secretary of State’s nominee.
- (4AE) Before giving a direction to an authority pursuant to the provisions of subsection (4A), the Secretary of State must give the authority 14 days’ notice in writing of the proposed direction.
- (4AF) The proposed direction shall include a determination as to which functions shall be exercised by the Secretary of State or a person nominated by him and which functions shall be exercised by the authority, including those set out in (4AD) above.
- (4AG) The authority may make written representations to the Secretary of State about the proposed direction within that period.
- (4AH) The Secretary of State may modify or withdraw a direction under this section by notice in writing to the authority or authorities to which it was given.”

Page 58, line 2, at end insert –

- “(6D) For the avoidance of doubt, a direction made pursuant to the provisions of subsection (6)(a) as amended by subsection (6A) shall not have the automatic effect of transferring the functions of the Director of Children’s Services and the Lead Member of Children’s Services in sections 18 and 19 of the Children’s Act 2004 to the Secretary of State’s nominee.
- (6E) Before giving a direction to a best value authority pursuant to subsection (6)(a), the Secretary of State must give the best value authority 14 days’ notice in writing of the proposed direction.
- (6F) The proposed direction shall include a determination as to which functions shall be exercised by the Secretary of State or a person nominated by him and which functions shall be exercised by the best value authority, including those set out in (6D).
- (6G) The best value authority may make written representations to the Secretary of State about the proposed direction within that period.
- (6H) The Secretary of State may modify or withdraw a direction under this section by notice in writing to the best value authority or authorities to which it was given.”

After Clause 82

LORD NASH

Insert the following new Clause—

“Application of suspension etc powers to establishments and agencies in England

- (1) In section 14A of the Care Standards Act 2000 (power of Welsh Ministers to suspend registration of person in respect of establishment or agency), in subsection (1)—
 - (a) for “Welsh Ministers” substitute “registration authority”, and
 - (b) omit “for which the Welsh Ministers are the registration authority”.
- (2) In subsection (2) of that section, for “Welsh Ministers give” substitute “registration authority gives”.
- (3) In section 15(4A) of that Act (duty of Welsh Ministers to give notice of decision to grant application for cancellation or variation of suspension)—
 - (a) for “Welsh Ministers decide” substitute “registration authority decides”,
 - (b) for “they” substitute “it”, and
 - (c) for “their” substitute “its”.
- (4) In section 20B of that Act (urgent procedure for suspension or variation etc: Wales), in the heading omit “: Wales”.
- (5) In subsection (1) of that section—
 - (a) in paragraph (a) omit “for which the Welsh Ministers are the registration authority”, and
 - (b) in paragraph (b)—
 - (i) for “Welsh Ministers have” substitute “registration authority has”, and
 - (ii) for “they act” substitute “it acts”.
- (6) In subsection (2) of that section, for “Welsh Ministers” in both places substitute “registration authority”.
- (7) In subsection (4)(b) of that section, for “Welsh Ministers” substitute “registration authority’s”.

After Clause 85

LORD NASH

Insert the following new Clause—

“Provision of free school lunches

- (1) The Education Act 1996 is amended as follows.
- (2) In section 512ZB (provision of free school lunches and milk at maintained schools)—
 - (a) in subsection (2)(a) after “subsection (4)” insert “or (4A) (or both)”, and

After Clause 85—continued

- (b) after subsection (4) insert—
 - “(4A) A person is within this subsection if the person—
 - (a) is a registered pupil at a maintained school or pupil referral unit in England, and
 - (b) is in reception, year 1, year 2 or any other prescribed year group at the school.
 - (4B) The Secretary of State may by order provide for the following to be treated as persons within subsection (4A)—
 - (a) registered pupils, or any description of registered pupils, at a maintained nursery school in England;
 - (b) children, or any description of children, who receive relevant funded early years education, or any description of such education, in England.
 - (4C) In subsection (4A)—
 - “maintained school” means—
 - (a) a community, foundation or voluntary school, or
 - (b) a community or foundation special school;
 - “reception” means a year group in which the majority of children will, in the school year, attain the age of 5;
 - “year 1” means a year group in which the majority of children will, in the school year, attain the age of 6;
 - “year 2” means a year group in which the majority of children will, in the school year, attain the age of 7;
 - “year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.”;
 - (c) in subsection (5), after ““prescribed”” insert “, “relevant funded early years education””.
- (3) After section 512A insert—
 - “512B Provision of school lunches: Academies**
 - (1) Academy arrangements in relation to an Academy school or an alternative provision Academy must include provision imposing obligations on the proprietor that are equivalent to the school lunches obligations.
 - (2) “The school lunches obligations” are the obligations imposed in relation to maintained schools and pupil referral units in England by—
 - (a) section 512(3) (provision of school lunches on request), and
 - (b) section 512ZB(1) (provision of free school lunches to eligible persons).