

LORDS AMENDMENTS TO THE  
CHILDREN AND FAMILIES BILL

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*[The page and line references are to HL Bill 32, the bill as first printed for the Lords.]*

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**Before Clause 1**

**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;.”

**Clause 1**

**2** Page 1, leave out lines 8 to 12 and insert –

“(9ZA) Subsection (9A) applies (subject to subsection (9B)) where the local authority are a local authority in England and –

(a) are considering adoption for C, or

(b) are satisfied that C ought to be placed for adoption but are not authorised under section 19 of the Adoption and Children Act 2002 (placement with parental consent) or by virtue of section 21 of that Act (placement orders) to place C for adoption.

- (9A) Where this subsection applies –
- (a) subsections (7) to (9) do not apply to the local authority,
  - (b) the local authority must consider placing C with an individual within subsection (6)(a), and
  - (c) where the local authority decide that a placement with such an individual is not the most appropriate placement for C, the local authority must consider placing C with a local authority foster parent who has been approved as a prospective adopter.
- (9B) Subsection (9A) does not apply where the local authority have applied for a placement order under section 21 of the Adoption and Children Act 2002 in respect of C and the application has been refused.””

### Clause 3

- 3 Page 2, line 19, after “requiring” insert “one or more named”
- 4 Page 2, line 20, after “England” insert “, or one or more descriptions of local authority in England,”
- 5 Page 2, line 22, at end insert –
- “(1A) The Secretary of State may by order require all local authorities in England to make arrangements for all or any of their functions within subsection (2) to be carried out on their behalf by one or more other adoption agencies.”
- 6 Page 2, leave out lines 29 to 32
- 7 Page 2, line 32, at end insert –
- “(2) In section 140(3) of that Act (statutory instruments containing subordinate legislation that are subject to the affirmative procedure), before paragraph (a) insert –
- “(za) under section 3A(1A),”.
- (3) The Secretary of State may not make an order under subsection (1A) of section 3A of the Adoption and Children Act 2002 (as inserted by subsection (1)) before 1 March 2015.”

### Clause 4

- 8 Page 3, line 44, at end insert –
- “( ) On the occasion of the first exercise of the power to make regulations under this section –
- (a) the statutory instrument containing the regulations is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
  - (b) accordingly section 140(2) does not apply to the instrument.”

### Clause 6

- 9 Page 5, line 9, at end insert –

- “( ) On the occasion of the first exercise of the power to make regulations under this section –
- (a) the statutory instrument containing the regulations is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
  - (b) accordingly section 140(2) does not apply to the instrument.”

10 Page 5, line 12, at end insert –

- “( ) In section 140(7) (power for subordinate legislation to make different provision for different purposes) after “purposes” insert “or areas”.

#### Clause 9

11 Transpose Clause 9 to after Clause (*Arrangements for living with former foster parents after reaching adulthood*)

#### Clause 11

12 Page 10, line 19, at end insert –

- “(2B) In subsection (2A) “involvement” means involvement of some kind, either direct or indirect, but not any particular division of a child’s time.”

#### Clause 21

13 Page 19, line 24, 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).”

#### Clause 22

14 Page 19, line 32, after “identifies” insert “–

(a) ”

15 Page 19, line 33, at end insert “, and

(b) all the children and young people in its area who have a disability.”

#### Clause 23

16 Transpose Clause 23 to after Clause 24

#### Clause 24

17 Page 20, line 5, at end insert “or a disability”

18 Page 20, line 15, after “needs” insert “or disability”

#### Clause 25

19 Page 20, line 19, leave out “special educational” and insert “educational provision and training”

20 Page 20, line 22, after “needs” insert “or a disability”

#### Clause 26

21 Page 20, line 40, after first “for” insert “—  
(a) ”

22 Page 20, line 41, at end insert “, and  
(b) children and young people in the authority’s area who have a disability.”

23 Page 21, line 5, after “by” insert “—  
(i) ”

24 Page 21, line 7, leave out “concerned” and insert “within subsection (1)(a)”

25 Page 21, line 7, after “needs” insert “, and  
(ii) the disabilities of the children and young people within subsection (1)(b)”

26 Page 21, line 35, after second “for” insert “—  
(i) ”

27 Page 21, line 37, after “needs” insert “, or  
(ii) any children and young people in the authority’s area who have a disability”

28 Page 21, line 40, leave out “such children and young people” and insert “children and young people within paragraph (a)”

#### Clause 27

29 Page 22, line 4, leave out “special educational” and insert “educational provision, training”

30 Page 22, line 6, after “needs” insert “or a disability”

31 Page 22, line 7, leave out “special educational” and insert “educational provision, training”

32 Page 22, line 8, after first “for” insert “—  
(i) ”

33 Page 22, line 9, at end insert “, and  
(ii) children and young people in its area who have a disability.”

34 Page 22, line 11, leave out “special educational” and insert “educational needs, training”

35 Page 22, line 14, 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;”

36 Page 22, line 26, after “by” insert “—  
(i) ”

- 37 Page 22, line 27, at end insert “, or  
(ii) children or young people in its area who have a disability”
- 38 Page 22, line 29, after “to” insert “–  
(i) ”
- 39 Page 22, line 29, at end insert “, or  
(ii) children or young people in its area who have a disability”

#### Clause 28

- 40 Page 23, line 28, at end insert –  
“( ) a person in charge of relevant youth accommodation –  
(i) in which there are detained persons aged 18 or under for whom the authority was responsible immediately before the beginning of their detention, or  
(ii) that the authority thinks is accommodation in which such persons are likely to be detained;”

#### Clause 30

- 41 Page 24, line 33, after “needs” insert “or a disability”
- 42 Page 24, line 35, after first “for” insert “–  
(i) ”
- 43 Page 24, line 36, at end insert “, and  
(ii) children and young people in its area who have a disability.”
- 44 Page 24, line 40, at beginning insert “other”
- 45 Page 25, line 13, at end insert “–  
(i) ”
- 46 Page 25, line 15, at end insert –  
“(ii) children and young people who have a disability, and the parents of children who have a disability, and”
- 47 Page 25, line 16, at end insert “(including details of any action the authority intends to take)”
- 48 Page 25, line 24, after “involve” insert “–  
(i) ”
- 49 Page 25, line 26, 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;”
- 50 Page 25, line 32, at end insert “–  
(i) ”
- 51 Page 25, line 34, at end insert “, and  
(ii) children and young people who have a disability and those who care for them”

**Clause 31**

- 52 Page 25, line 41, after “following” insert “persons and”
- 53 Page 25, line 44, at end insert –  
“( ) the person in charge of any relevant youth accommodation;”
- 54 Page 26, line 4, after “The” insert “person or”
- 55 Page 26, line 4, leave out “it” and insert “the person or body”
- 56 Page 26, line 6, leave out “its own duties” and insert “the duties of the person or body”
- 57 Page 26, line 7, leave out “its functions” and insert “the functions of the person or body”
- 58 Page 26, line 8, after “A” insert “person or”
- 59 Page 26, line 10, after first “a” insert “person or”
- 60 Page 26, line 12, after “assessment” insert “, a detained person’s EHC needs assessment”
- 61 Page 26, line 12, after second “the” insert “person or”

**Clause 32**

- 62 Page 26, line 15, after first “for” insert “children and young people for whom it is responsible, and”
- 63 Page 26, line 16, leave out “and young people for whom it is responsible,”
- 64 Page 26, line 18, 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.”
- 65 Page 26, line 20, leave out “subsection (1)” and insert “subsections (1) and (1A)”
- 66 Page 26, line 21, at end insert –  
“( ) children in its area;”
- 67 Page 26, line 26, leave out “subsection (1)” and insert “subsections (1) and (1A)”

**Clause 36**

- 68 Page 29, line 9, at end insert “or section (*Assessment of post-detention education, health and care needs of detained persons*)”
- 69 Page 29, line 33, after “In” insert “making a determination or”
- 70 Page 29, line 34, 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”.
- 71 Page 29, line 43, leave out paragraph (g)

**Clause 37**

- 72 Page 30, line 18, leave out “and social care”
- 73 Page 30, line 20, at end insert –
- “(e) in the case of a child or a young person aged under 18, any social care provision which must be made for him or her by the local authority as a result of section 2 of the Chronically Sick and Disabled Persons Act 1970 (as it applies by virtue of section 28A of that Act);
  - (f) any social care provision reasonably required by the learning difficulties and disabilities which result in the child or young person having special educational needs, to the extent that the provision is not already specified in the plan under paragraph (e).”
- 74 Page 30, line 23, leave out subsection (4)
- 75 Page 30, line 25, leave out “and maintenance” and insert “, maintenance, amendment and disclosure”
- 76 Page 30, line 26, at end insert –
- “(6) Regulations under subsection (5) about amendments of EHC plans must include provision applying section 33 (mainstream education for children and young people with EHC plans) to a case where an EHC plan is to be amended under those regulations.”

**Clause 42**

- 77 Page 33, line 25, leave out “to the extent that” and insert “if”

**Clause 44**

- 78 Page 34, line 19, leave out “his or her age” and insert “whether the educational or training outcomes specified in the plan have been achieved”

**Clause 45**

- 79 Page 35, line 3, leave out “child or young person” and insert “young person aged over 18”
- 80 Page 35, line 5, after “educational” insert “or training”
- 81 Page 35, line 7, leave out subsection (4)

**Clause 48**

- 82 Page 36, line 1, leave out “custodial sentence” and insert “detention order (within the meaning of section 562(1A)(a) of EA 1996)”
- 83 Page 36, line 5, after “was” insert “ –
- (i) ”
- 84 Page 36, line 6, leave out “custodial sentence.” and insert “detention, or”
- 85 Page 36, line 6, at end insert –
- “(ii) kept for him or her under section (*Duty to keep EHC plans for detained persons*) during the detention.”

### Clause 51

86 Page 38, line 18, after “of” insert “EHC needs assessments and”

87 Page 38, line 23, at end insert –

“(4A) Regulations under subsection (4)(c) may include provision conferring power on the First-tier Tribunal, on determining an appeal against a matter, to make recommendations in respect of other matters (including matters against which no appeal may be brought).”

### After Clause 51

88 Insert the following new Clause –

#### “Right to mediation

- (1) This section applies where –
  - (a) a decision against which an appeal may be brought under section 51 is made in respect of a child or young person, or
  - (b) an EHC plan for a child or young person is made, amended or replaced.
- (2) Before the end of the prescribed period after the decision is made, or the plan is made, amended or replaced, the local authority must notify the child’s parent or the young person of –
  - (a) the right to mediation under section (*Mediation: health care issues*) or (*Mediation: educational and social care issues etc*), and
  - (b) the requirement to obtain a certificate under section 52 before making certain appeals.
- (3) If the parent or young person wishes to pursue mediation under section (*Mediation: health care issues*) or (*Mediation: educational and social care issues etc*), he or she must inform the local authority of –
  - (a) that fact, and
  - (b) the issues in respect of which he or she wishes to pursue mediation (“the mediation issues”).
- (4) If the mediation issues are, or include, the fact that no health care provision, or no health care provision of a particular kind, is specified in the plan, the parent or young person must also inform the local authority of the health care provision which he or she wishes to be specified in the plan.”

89 Insert the following new Clause –

#### “Mediation: health care issues

- (1) This section applies where –
  - (a) the parent or young person informs the local authority under section (*Right to mediation*) that he or she wishes to pursue mediation, and
  - (b) the mediation issues include health care provision specified in the plan or the fact that no health care provision, or no health care provision of a particular kind, is specified in the plan.
- (2) The local authority must notify each relevant commissioning body of –
  - (a) the mediation issues, and



- (b) anything of which it has been informed by the parent or young person under section (*Right to mediation*)(4).
- (3) If the mediation issues are limited to the health care provision specified in the plan or the fact that no health care provision, or no health care provision of a particular kind, is specified in the plan, the responsible commissioning body (or, where there is more than one, the responsible commissioning bodies acting jointly) must –
  - (a) arrange for mediation between it (or them) and the parent or young person,
  - (b) ensure that the mediation is conducted by an independent person, and
  - (c) participate in the mediation.
- (4) If the mediation issues include anything else –
  - (a) the local authority must –
    - (i) arrange for mediation between it, each responsible commissioning body and the parent or young person,
    - (ii) ensure that the mediation is conducted by an independent person, and
    - (iii) participate in the mediation, and
  - (b) each responsible commissioning body must also participate in the mediation.
- (5) For the purposes of this section, a person is not independent if he or she is employed by any of the following –
  - (a) a local authority in England;
  - (b) a clinical commissioning group;
  - (c) the National Health Service Commissioning Board.
- (6) In this section “responsible commissioning body” –
  - (a) if the mediation issues in question are or include the health care provision specified in an EHC plan, means a body that is under a duty to arrange health care provision of that kind in respect of the child or young person;
  - (b) if the mediation issues in question are or include the fact that no health care provision, or no health care provision of a particular kind, is specified in an EHC plan, means a body that would be under a duty to arrange health care provision of the kind in question if it were specified in the plan.”

90 Insert the following new Clause –

**“Mediation: educational and social care issues etc**

- (1) This section applies where –
  - (a) the parent or young person informs the local authority under section (*Right to mediation*) that he or she wishes to pursue mediation, and
  - (b) the mediation issues do not include health care provision specified in the plan or the fact that no health care provision, or no health care provision of a particular kind, is specified in the plan.
- (2) The local authority must –
  - (a) arrange for mediation between it and the parent or young person,

- (b) ensure that the mediation is conducted by an independent person, and
  - (c) participate in the mediation.
- (3) For the purposes of this section, a person is not independent if he or she is employed by a local authority in England.”

#### Clause 52

- 91 Page 38, line 44, after “certificate” insert “under this subsection”
- 92 Page 39, line 2, leave out “with the local authority” and insert “under section (*Mediation: health care issues*) or (*Mediation: educational and social care issues etc*)”
- 93 Page 39, line 5, after “certificate” insert “under this subsection”
- 94 Page 39, line 7, leave out “with the local authority” and insert “under section (*Mediation: health care issues*) or (*Mediation: educational and social care issues etc*)”
- 95 Page 39, line 9, leave out “with the local authority” and insert “under the appropriate section”
- 96 Page 39, line 12, leave out subsections (6) to (8)

#### After Clause 52

- 97 Insert the following new Clause –

#### “Mediation: supplementary

- (1) Regulations may make provision for the purposes of sections (*Right to mediation*) to 52, in particular –
- (a) about giving notice;
  - (b) imposing time limits;
  - (c) enabling a local authority or commissioning body to take prescribed steps following the conclusion of mediation;
  - (d) about who may attend mediation;
  - (e) where a child’s parent is a party to mediation, requiring the mediator to take reasonable steps to ascertain the views of the child;
  - (f) about the provision of advocacy and other support services for the parent or young person;
  - (g) requiring a local authority or commissioning body to pay reasonable travel expenses and other expenses of a prescribed description, up to any prescribed limit;
  - (h) about exceptions to the requirement in section 52(3);
  - (i) about the training, qualifications and experience of mediators and mediation advisers;
  - (j) conferring powers or imposing requirements on local authorities, commissioning bodies, mediators and mediation advisers.
- (2) In section 52 and this section “mediation adviser” means an independent person who can provide information and advice about pursuing mediation.
- (3) For the purposes of subsection (2), a person is not independent if he or she is employed by any of the following –

- (a) a local authority in England;
  - (b) a clinical commissioning group;
  - (c) the National Health Service Commissioning Board.
- (4) In this section “commissioning body” means a body that is under a duty to arrange health care provision of any kind.”

### Clause 53

- 98 Page 39, line 42, at end insert “or (2A)”
- 99 Page 39, line 43, after “disagreements” insert “within this subsection”
- 100 Page 39, line 47, at end insert –
- “(2A) The disagreements within this subsection are those about the exercise by the local authority of its functions relating to EHC needs assessments, the preparation and review of EHC plans, and re-assessment of educational, health care and social care needs, where the disagreement is between –
- (a) the local authority and a responsible commissioning body, or
  - (b) a responsible commissioning body and the parents of children, or young people, in the authority’s area.”
- 101 Page 40, line 4, after “disagreements” insert “within this subsection”
- 102 Page 40, leave out lines 13 and 14 and insert –
- “(5A) For the purposes of subsection (5) a person is not independent if he or she is employed by any of the following –
- (a) a local authority in England;
  - (b) a clinical commissioning group;
  - (c) the National Health Service Commissioning Board.”
- 103 Page 40, line 37, at end insert –
- ““responsible commissioning body”, in relation to any particular health care provision, means a body that is under a duty to arrange health care provision of that kind in respect of the child or young person concerned.”

### After Clause 65

- 104 Insert the following new Clause –

#### “Application of Part to detained persons

- (1) Subject to this section and sections (*Assessment of post-detention education, health and care needs of detained persons*) to (*Supply of goods and services: detained persons*), nothing in or made under this Part applies to, or in relation to, a child or young person detained in pursuance of –
- (a) an order made by a court, or
  - (b) an order of recall made by the Secretary of State.
- (2) Subsection (1) does not apply to –
- (a) section 28;
  - (b) section 31;
  - (c) section 67;

- (d) section 69;
  - (e) section 73;
  - (f) any amendment made by this Part of a provision which applies to, or in relation to, a child or young person detained in pursuance of –
    - (i) an order made by a court, or
    - (ii) an order of recall made by the Secretary of State.
- (3) Regulations may apply any provision of this Part, with or without modifications, to or in relation to a child or young person detained in pursuance of –
- (a) an order made by a court, or
  - (b) an order of recall made by the Secretary of State.
- (4) The Secretary of State must consult the Welsh Ministers before making regulations under subsection (3) which will apply any provision of this Part to, or in relation to, a child or young person who is detained in Wales.
- (5) For the purposes of this Part –
- “appropriate person”, in relation to a detained person, means –
- (a) where the detained person is a child, the detained person’s parent, or
  - (b) where the detained person is a young person, the detained person;
- “detained person” means a child or young person who is –
- (a) 18 or under,
  - (b) subject to a detention order (within the meaning of section 562(1A)(a) of EA 1996), and
  - (c) detained in relevant youth accommodation,
- and in provisions applying on a person’s release, includes a person who, immediately before release, was a detained person;
- “detained person’s EHC needs assessment” means an assessment of what the education, health care and social care needs of a detained person will be on his or her release from detention;
- “relevant youth accommodation” has the same meaning as in section 562(1A)(b) of EA 1996, save that it does not include relevant youth accommodation which is not in England.
- (6) For the purposes of this Part –
- (a) “beginning of the detention” has the same meaning as in Chapter 5A of Part 10 of EA 1996 (persons detained in youth accommodation), and
  - (b) “the home authority” has the same meaning as in that Chapter, subject to regulations under subsection (7) (and regulations under section 562J(4) of EA 1996 made by the Secretary of State may also make provision in relation to the definition of “the home authority” for the purposes of this Part).
- (7) For the purposes of this Part, regulations may provide for paragraph (a) of the definition of “the home authority” in section 562J(1) of EA 1996 (the home authority of a looked after child) to apply with modifications in relation to such provisions of this Part as may be specified in the regulations.”

**“Assessment of post-detention education, health and care needs of detained persons**

- (1) This section applies in relation to a detained person for whom—
  - (a) the home authority is a local authority in England, and
  - (b) no EHC plan is being kept by a local authority.
- (2) A request to the home authority to secure a detained person’s EHC needs assessment for the detained person may be made by—
  - (a) the appropriate person, or
  - (b) the person in charge of the relevant youth accommodation where the detained person is detained.
- (3) Where this subsection applies, the home authority must determine whether it may be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention.
- (4) Subsection (3) applies where—
  - (a) a request is made under subsection (2),
  - (b) the detained person has been brought to the home authority’s attention by any person as someone who has or may have special educational needs, or
  - (c) the detained person has otherwise come to the home authority’s attention as someone who has or may have special educational needs.
- (5) In making a determination under subsection (3), the home authority must consult—
  - (a) the appropriate person, and
  - (b) the person in charge of the relevant youth accommodation where the detained person is detained.
- (6) Where the home authority determines that it will not be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention, it must notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained—
  - (a) of the reasons for that determination, and
  - (b) that accordingly it has decided not to secure a detained person’s EHC needs assessment for the detained person.
- (7) Subsection (8) applies where—
  - (a) the detained person has not been assessed under this section or section 36 during the previous six months, and
  - (b) the home authority determines that it may be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention.
- (8) The home authority must notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained—
  - (a) that it is considering securing a detained person’s EHC needs assessment for the detained person, and

- (b) that the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained each have the right to—
  - (i) express views to the authority (orally or in writing), and
  - (ii) submit evidence to the authority.
- (9) The home authority must secure a detained person’s EHC needs assessment if, after having regard to any views expressed and evidence submitted under subsection (8), the authority is of the opinion that—
  - (a) the detained person has or may have special educational needs, and
  - (b) it may be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention.
- (10) After a detained person’s EHC needs assessment has been carried out, the local authority must notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained of—
  - (a) the outcome of the assessment,
  - (b) whether it proposes to secure that an EHC plan is prepared for the detained person, and
  - (c) the reasons for that decision.
- (11) Regulations may make provision about detained persons’ EHC needs assessments, in particular—
  - (a) about requests under subsection (2);
  - (b) imposing time limits in relation to consultation under subsection (5);
  - (c) about giving notice;
  - (d) about expressing views and submitting evidence under subsection (8);
  - (e) about how detained persons’ EHC needs assessments are to be conducted;
  - (f) about advice to be obtained in connection with a detained person’s EHC needs assessment;
  - (g) about combining a detained person’s EHC needs assessment with other assessments;
  - (h) about the use for the purposes of a detained person’s EHC needs assessment of information obtained as a result of other assessments;
  - (i) about the use of information obtained as a result of a detained person’s EHC needs assessment, including the use of that information for the purposes of other assessments;
  - (j) about the provision of information, advice and support in connection with a detained person’s EHC needs assessment.”

106 Insert the following new Clause—

**“Securing EHC plans for certain detained persons**

- (1) Where, in the light of a detained person’s EHC needs assessment it is necessary for special education provision to be made for the detained person in accordance with an EHC plan on release from detention, the home authority must secure that an EHC plan is prepared for him or her.

- (2) Sections 37(2) to (6) and 38 to 40 apply in relation to an EHC plan secured under subsection (1) as they apply to an EHC plan secured under section 37(1), with the following modifications—
  - (a) references to “the child or young person” are to be read as references to the detained person,
  - (b) references to the local authority are to be read as references to the home authority, and
  - (c) references to the child’s parent or the young person are to be read as references to the appropriate person.
- (3) Section 33(2) to (7) apply where a home authority is securing the preparation of an EHC plan under this section as they apply where a local authority is securing a plan under section 37, with the following modifications—
  - (a) references to “the child or young person” are to be read as references to the detained person,
  - (b) references to the local authority are to be read as references to the home authority,
  - (c) references to the child’s parent or the young person are to be read as references to the appropriate person, and
  - (d) the reference in subsection (2) to section 39(5) and 40(2) is to be read as a reference to those provisions as applied by subsection (2) of this section.”

107 Insert the following new Clause—

**“EHC plans for certain detained persons: appeals and mediation**

- (1) An appropriate person in relation to a detained person may appeal to the First-tier Tribunal against the matters set out in subsection (2), subject to section 52 (as applied by this section).
- (2) The matters are—
  - (a) a decision of the home authority not to secure a detained person’s EHC needs assessment for the detained person;
  - (b) a decision of the home authority, following a detained person’s EHC needs assessment, that it is not necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention;
  - (c) where an EHC plan is secured for the detained person—
    - (i) the school or other institution named in the plan, or the type of school or other institution named in the plan;
    - (ii) if no school or other institution is named in the plan, that fact.
- (3) The appropriate person may appeal to the First-tier Tribunal under subsection (2)(c) only when an EHC plan is first finalised for the detained person in accordance with section (*Securing EHC plans for certain detained persons*).
- (4) Regulations may make provision about appeals to the First-tier Tribunal in respect of detained persons’ EHC needs assessments and EHC plans secured under section (*Securing EHC plans for certain detained persons*), in particular about—
  - (a) making and determining appeals;

- (b) the powers of the First-tier Tribunal on determining an appeal;
  - (c) unopposed appeals.
- (5) A person commits an offence if without reasonable excuse that person fails to comply with any requirement –
- (a) in respect of the discovery or inspection of documents, or
  - (b) to attend to give evidence and produce documents,
- where that requirement is imposed by Tribunal Procedure Rules in relation to an appeal under this section.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Section 52(2) to (5) apply where an appropriate person intends to appeal to the First-tier Tribunal under this section as they apply where a child’s parent or young person intends to appeal under section 51, with the following modifications –
- (a) references to the child’s parent or young person are to be read as references to the appropriate person, and
  - (b) references to mediation under section (*Mediation: health care issues*) or (*Mediation: educational and social care issues etc*) are to be read as references to mediation with the home authority.
- (8) Where, by virtue of subsection (7), the appropriate person has informed the mediation adviser that he or she wishes to pursue mediation with the home authority –
- (a) the adviser must notify the authority, and
  - (b) the authority must –
    - (i) arrange for mediation between it and the appropriate person,
    - (ii) ensure that the mediation is conducted by an independent person, and
    - (iii) participate in the mediation.
- For this purpose a person is not independent if he or she is employed by a local authority in England.
- (9) Regulations under section (*Mediation: supplementary*) may make provision for the purposes of subsections (7) and (8) of this section, and accordingly section (*Mediation: supplementary*) has effect for those purposes with the following modifications –
- (a) the references in subsection (1) to commissioning bodies are to be ignored;
  - (b) the reference in subsection (1)(e) to a child’s parent is to be read as a reference to the parent of a detained person who is a child;
  - (c) the reference in subsection (1)(f) to the child’s parent or young person is to be read as a reference to the appropriate person;
  - (d) in subsection (3), paragraphs (b) and (c) are to be ignored;
  - (e) subsection (5) is to be ignored.”

108 Insert the following new Clause –

**“Duty to keep EHC plans for detained persons**

- (1) This section applies in relation to a detained person –



- (a) for whom a local authority in England was maintaining an EHC plan immediately before the beginning of his or her detention, or
  - (b) for whom the home authority has secured the preparation of an EHC plan under section (*Securing EHC plans for certain detained persons*).
- (2) The home authority must keep the EHC plan while the person is detained in relevant youth accommodation.
- (3) Regulations may make provision about the keeping of EHC plans under subsection (2), and the disclosure of such plans.
- (4) The home authority must arrange appropriate special educational provision for the detained person while he or she is detained in relevant youth accommodation.
- (5) If the EHC plan specifies health care provision, the detained person's health services commissioner must arrange appropriate health care provision for the detained person while he or she is detained in relevant youth accommodation.
- (6) For the purposes of subsection (4), appropriate special educational provision is—
  - (a) the special educational provision specified in the EHC plan, or
  - (b) if it appears to the home authority that it is not practicable for that special educational provision to be provided, educational provision corresponding as closely as possible to that special educational provision, or
  - (c) if it appears to the home authority that the special educational provision specified in the plan is no longer appropriate for the person, such special educational provision as reasonably appears to the home authority to be appropriate.
- (7) For the purposes of subsection (5), appropriate health care provision is—
  - (a) the health care provision specified in the EHC plan, or
  - (b) if it appears to the detained person's health services commissioner that it is not practicable for that health care provision to be provided, health care provision corresponding as closely as possible to that health care provision, or
  - (c) if it appears to the detained person's health services commissioner that the health care provision specified in the plan is no longer appropriate for the person, such health care provision as reasonably appears to the detained person's health services commissioner to be appropriate.
- (8) In this section, "detained person's health services commissioner", in relation to a detained person, means the body that is under a duty under the National Health Service Act 2006 to arrange for the provision of services or facilities in respect of the detained person during his or her detention."

**“Supply of goods and services: detained persons**

- (1) A local authority in England may supply goods and services to any authority or other person making special educational provision for a detained person, but only for the purpose set out in subsection (2).
- (2) The purpose is that of assisting the local authority in the performance of a duty under section (*Duty to keep EHC plans for detained persons*).
- (3) The goods and services may be supplied on the terms and conditions that the authority thinks fit, including terms as to payment.”

**Clause 67**

110 Page 47, line 41, at end insert –

- “(ga) youth offending teams;  
(gb) persons in charge of relevant youth accommodation;”

**Clause 68**

111 Page 48, line 19, leave out subsections (4) and (5) and insert –

- “(4) The Secretary of State may not take any further steps in relation to –
- (a) a proposed code unless the draft is approved by a resolution of each House, or
  - (b) a proposed revised code if, within the 40-day period, either House resolves not to approve the draft.
- (5) Subsection (5A) applies if –
- (a) both Houses resolve to approve the draft, as mentioned in subsection (4)(a), or
  - (b) neither House resolves not to approve the draft, as mentioned in subsection (4)(b).
- (5A) The Secretary of State must issue the code or revised code in the form of the draft, and it comes into force on such date as the Secretary of State may by order appoint.”

112 Page 48, line 27, leave out “proposed code (or”

**After Clause 68**

113 Insert the following new Clause –

**“Review of resolution of disagreements**

- (1) The Secretary of State and the Lord Chancellor must carry out a review of how effectively disagreements about the exercise of functions under this Part are being resolved.
- (2) The Secretary of State and the Lord Chancellor must prepare a report on the outcome of the review.
- (3) The Secretary of State and the Lord Chancellor must lay the report before Parliament before the end of the period of three years beginning with the earliest date on which any provision of this Part comes into force.”

**Clause 70**

114 Leave out Clause 70

**Clause 73**

115 Page 50, line 4, at end insert –

““appropriate person” has the meaning given by section (*Application of Part to detained persons*)(5);

“beginning of the detention” has the meaning given by section (*Application of Part to detained persons*)(6);

“detained person” has the meaning given by section (*Application of Part to detained persons*)(5);

“detained person’s EHC needs assessment” has the meaning given by section (*Application of Part to detained persons*)(5);”

116 Page 50, line 9, at end insert –

““the home authority” has the meaning given by section (*Application of Part to detained persons*)(6) (subject to subsection (7) of that section);”

117 Page 50, line 28, at end insert –

““relevant youth accommodation” has the meaning given by section (*Application of Part to detained persons*)(5);”

118 Page 50, 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.”

**After Clause 76**

119 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;
  - (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.””

**After Clause 78**

**120** Insert the following new Clause –

**“Extension of licensing of child performances to children under 14**

Section 38 of the Children and Young Persons Act 1963 (licences for performances by children under 14 not to be granted except for certain dramatic or musical performances) is repealed.”

**121** Insert the following new Clause –

**“Purchase of tobacco etc. on behalf of persons under 18**

- (1) A person aged 18 or over who buys or attempts to buy tobacco or cigarette papers on behalf of an individual aged under 18 commits an offence.
- (2) Where a person is charged with an offence under this section it is a defence –
  - (a) that the person had no reason to suspect that the individual concerned was aged under 18, or

- (b) in a case where the person has bought or attempted to buy cigarette papers, that the person had no reason to suspect that the individual concerned intended to use the papers for smoking.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) A local weights and measures authority in England and Wales must enforce the provisions of this section in its area.
- (5) Section 9 of, and Schedule 1 to, the Health Act 2006 (issue of fixed penalty notices in relation to certain smoking related offences) apply in relation to an offence under this section as they apply in relation to an offence under section 6(5) or 7(2) of that Act but with the following modifications –
  - (a) references to an enforcement authority are to be read as references to a local weights and measures authority;
  - (b) references to an authorised officer of an enforcement authority are to be read as references to any person authorised by a local weights and measures authority (whether or not an officer of the authority) in writing, either generally or specially, to act in matters arising under this section.
- (6) Section 11 of, and Schedule 2 to, the Health Act 2006 (offence of obstruction of enforcement officers and powers of entry etc) apply for the purposes of this section as they apply for the purposes of Chapter 1 of Part 1 of that Act but with the following modifications –
  - (a) references to an enforcement authority are to be read as references to a local weights and measures authority;
  - (b) references to an authorised officer of an enforcement authority are to be read as references to any person (whether or not an officer of the authority) authorised by a local weights and measures authority in writing, either generally or specially, to act in matters arising under this section;
  - (c) references to Chapter 1 of Part 1 of the Act of 2006 are to be read as references to this section;
  - (d) section 11(5) is to be ignored;
  - (e) paragraph 10 of Schedule 2 is to be ignored.
- (7) “Tobacco” has the same meaning in this section as in section 7 of the Children and Young Persons Act 1933 (offence of selling tobacco to children).”

**122** Insert the following new Clause –

**“Prohibition of sale of nicotine products to persons under 18**

- (1) The Secretary of State may by regulations make provision prohibiting the sale of nicotine products to persons aged under 18.
- (2) A person who breaches a prohibition in regulations under subsection (1) commits an offence.
- (3) Subsection (2) does not apply if –
  - (a) at the time of the sale, the person to whom the nicotine product is sold is employed by a manufacturer of nicotine products to which regulations under subsection (1) apply or by a dealer in such products (whether wholesale or retail), and

- (b) the purchase of the product is for the purposes of the manufacturer's or dealer's business.
- (4) Where a person is charged with an offence under this section it is a defence that the person took all reasonable precautions and exercised all due diligence to avoid committing the offence.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) The Secretary of State may by regulations—
- (a) amend section (*Purchase of tobacco etc. on behalf of persons under 18*) (purchase of tobacco etc on behalf of persons under 18) so as to apply it (with or without modifications) in relation to nicotine products, or
  - (b) provide for that section to apply (with or without modifications) in relation to nicotine products.
- (7) Regulations under this section may make provision in relation to—
- (a) all nicotine products,
  - (b) nicotine products of a specified kind, or
  - (c) nicotine products subject to specified exceptions.
- (8) The Secretary of State must obtain the consent of the Welsh Ministers before making regulations under this section which would (if contained in an Act of the National Assembly for Wales) be within the legislative competence of that Assembly.
- (9) For the purposes of this section “nicotine product” means—
- (a) a device which is intended to enable nicotine to be consumed by an individual or otherwise to be delivered into the human body,
  - (b) an item which is intended to form part of a device within paragraph (a), or
  - (c) a substance or item which consists of or contains nicotine and which is intended for human consumption or otherwise to be delivered into the human body.
- (10) It does not matter for the purposes of subsection (9)(a) whether the device is also intended to enable any other substance to be consumed by an individual or otherwise to be delivered into the human body.
- (11) The following are not nicotine products for the purposes of this section—
- (a) tobacco;
  - (b) cigarette papers;
  - (c) any device which is intended to be used for the consumption of lit tobacco.
- (12) In this section—
- “specified” means specified in regulations under this section;
- “tobacco” has the same meaning as in section 7 of the Children and Young Persons Act 1933 (offence of selling tobacco to children).”

**“Amendments consequential on section (Prohibition of sale of nicotine products to persons under 18)**

- (1) The Children and Young Persons Act 1933 is amended in accordance with subsections (2) to (6).
- (2) In the italic heading before section 12A, after “tobacco” insert “or nicotine products”.
- (3) In section 12A (restricted premises orders)—
  - (a) in subsection (1), after “tobacco” insert “or nicotine”,
  - (b) in subsection (3), for “or cigarette papers” substitute “, cigarette papers or nicotine product”, and
  - (c) in subsection (7)(a), after “tobacco” insert “or nicotine”.
- (4) In section 12B (restricted sale orders)—
  - (a) in subsection (1), after “tobacco” insert “or nicotine”,
  - (b) in subsection (3)—
    - (i) in paragraph (a), for “or cigarette papers” substitute “, cigarette papers or nicotine product”,
    - (ii) in paragraph (b), for “or cigarette papers” substitute “, cigarette papers or nicotine products”,
    - (iii) in each of paragraphs (c) and (d) omit “cigarette” in each place, and
    - (iv) in each of those paragraphs, after “tobacco” insert “or nicotine products”,
  - (c) in subsection (5), after “tobacco” insert “or nicotine”, and
  - (d) in subsection (6)—
    - (i) omit “cigarette”, and
    - (ii) after “tobacco” insert “or nicotine products”.
- (5) In section 12C(1)(a) (enforcement), for “or cigarette papers” substitute “, cigarette papers or nicotine product”.
- (6) In section 12D (interpretation)—
  - (a) in subsection (1), in the opening words, for ““tobacco offence”” substitute ““tobacco or nicotine offence””,
  - (b) in that subsection omit the “or” at the end of paragraph (b) and at the end of paragraph (c) insert “, or
    - (d) an offence committed under section (*Prohibition of sale of nicotine products to persons under 18*) of the Children and Families Act 2014 on any premises (which are accordingly “the premises in relation to which the offence is committed”).”, and
  - (c) after subsection (2) insert—
    - “(2A) In sections 12A to 12C “nicotine product” means a nicotine product within the meaning of section (*Prohibition of sale of nicotine products to persons under 18*) of the Children and Families Act 2014 the sale of which to persons aged under 18 is for the time being prohibited by regulations under subsection (1) of that section.”
- (7) In section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 (enforcement action by local authorities in England and Wales)—

- (a) in subsection (1)(a), for “and sections 3 and 4 above” substitute “, sections 3 and 4 above and section (*Prohibition of sale of nicotine products to persons under 18*) of the Children and Families Act 2014 (prohibition of sale of nicotine products to persons under 18)”, and
- (b) after subsection (1) insert –

“(1A) Subsection (1) applies in relation to section (*Prohibition of sale of nicotine products to persons under 18*) of the Children and Families Act 2014 only if regulations under subsection (1) of that section are for the time being in force.”

- (8) The Secretary of State may by regulations make provision amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (whenever passed or made) in connection with provision made by or under section (*Prohibition of sale of nicotine products to persons under 18*).
- (9) In subsection (8) “enactment” includes a Measure or Act of the National Assembly for Wales.”

**124** Insert the following new Clause –

**“Regulation of retail packaging etc of tobacco products**

- (1) The Secretary of State may make regulations under subsection (6) or (8) if the Secretary of State considers that the regulations may contribute at any time to reducing the risk of harm to, or promoting, the health or welfare of people under the age of 18.
- (2) Subsection (1) does not prevent the Secretary of State, in making regulations under subsection (6) or (8), from considering whether the regulations may contribute at any time to reducing the risk of harm to, or promoting, the health or welfare of people aged 18 or over.
- (3) The Secretary of State may treat regulations under subsection (6) or (8) as capable of contributing to reducing the risk of harm to, or promoting, the health or welfare of people under the age of 18 if the Secretary of State considers that –
  - (a) at least some of the provisions of the regulations are capable of having that effect, or
  - (b) the regulations are capable of having that effect when taken together with other regulations that were previously made under subsection (6) or (8) and are in force.
- (4) Regulations under subsection (6) or (8) are to be treated for the purposes of subsection (1) or (2) as capable of contributing to reducing the risk of harm to, or promoting, people’s health or welfare if (for example) they may contribute to any of the following –
  - (a) discouraging people from starting to use tobacco products;
  - (b) encouraging people to give up using tobacco products;
  - (c) helping people who have given up, or are trying to give up, using tobacco products not to start using them again;
  - (d) reducing the appeal or attractiveness of tobacco products;
  - (e) reducing the potential for elements of the packaging of tobacco products other than health warnings to detract from the effectiveness of those warnings;



- (f) reducing opportunities for the packaging of tobacco products to mislead consumers about the effects of using them;
  - (g) reducing opportunities for the packaging of tobacco products to create false perceptions about the nature of such products;
  - (h) having an effect on attitudes, beliefs, intentions and behaviours relating to the reduction in use of tobacco products.
- (5) Regulations under subsection (6) or (8) are to be treated for the purposes of subsection (1) as capable of contributing to reducing the risk of harm to, or promoting, the health or welfare of people under the age of 18 if –
- (a) they may contribute to reducing activities by such people which risk harming their health or welfare after they reach the age of 18, or
  - (b) they may benefit such people by reducing the use of tobacco products among people aged 18 or over.
- (6) The Secretary of State may by regulations make provision about the retail packaging of tobacco products.
- (7) Regulations under subsection (6) may in particular impose prohibitions, requirements or limitations relating to –
- (a) the markings on the retail packaging of tobacco products (including the use of branding, trademarks or logos);
  - (b) the appearance of such packaging;
  - (c) the materials used for such packaging;
  - (d) the texture of such packaging;
  - (e) the size of such packaging;
  - (f) the shape of such packaging;
  - (g) the means by which such packaging is opened;
  - (h) any other features of the retail packaging of tobacco products which could be used to distinguish between different brands of tobacco product;
  - (i) the number of individual tobacco products contained in an individual packet;
  - (j) the quantity of a tobacco product contained in an individual packet.
- (8) The Secretary of State may by regulations make provision imposing prohibitions, requirements or limitations relating to –
- (a) the markings on tobacco products (including the use of branding, trademarks or logos);
  - (b) the appearance of such products;
  - (c) the size of such products;
  - (d) the shape of such products;
  - (e) the flavour of such products;
  - (f) any other features of tobacco products which could be used to distinguish between different brands of tobacco product.
- (9) The Secretary of State may by regulations –
- (a) create offences which may be committed by persons who produce or supply tobacco products the retail packaging of which breaches prohibitions, requirements or limitations imposed by regulations under subsection (6);
  - (b) create offences which may be committed by persons who produce or supply tobacco products which breach prohibitions,

- requirements or limitations imposed by regulations under subsection (8);
- (c) provide for exceptions and defences to such offences;
  - (d) make provision about the liability of others to be convicted of such offences if committed by a body corporate or a Scottish partnership.
- (10) The Secretary of State may by regulations –
- (a) provide that regulations under subsection (6) or (8) are to be treated for the purposes specified in regulations under this subsection as safety regulations within the meaning of the Consumer Protection Act 1987;
  - (b) make provision for the appropriate minister to direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local weights and measures authority in Great Britain or a district council in Northern Ireland by virtue of provision under paragraph (a) is to be discharged instead by the appropriate minister.
- (11) The Secretary of State may by regulations make provision amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (whenever passed or made) in connection with provision made by regulations under any of subsections (6), (8), (9) or (10).
- (12) The Secretary of State must –
- (a) obtain the consent of the Scottish Ministers before making regulations under any of subsections (6), (8), (9) or (10) containing provision which would (if contained in an Act of the Scottish Parliament) be within the legislative competence of that Parliament;
  - (b) obtain the consent of the Welsh Ministers before making regulations under any of those subsections containing provision which would (if contained in an Act of the National Assembly for Wales) be within the legislative competence of that Assembly;
  - (c) obtain the consent of the Office of the First Minister and deputy First Minister in Northern Ireland before making regulations under any of those subsections containing provision which would (if contained in an Act of the Northern Ireland Assembly) be within the legislative competence of that Assembly.
- (13) For the purposes of this section a person produces a tobacco product if, in the course of a business and with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, the person –
- (a) manufactures the product,
  - (b) puts a name, trademark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator, or
  - (c) imports it into the United Kingdom.
- (14) For the purposes of this section a person supplies a tobacco product if in the course of a business the person –
- (a) supplies the product,
  - (b) offers or agrees to supply it, or
  - (c) exposes or possesses it for supply.
- (15) In this section –
- “appropriate minister” –
    - (a) in relation to England, means the Secretary of State,

- (b) in relation to Wales, means the Welsh Ministers,
  - (c) in relation to Northern Ireland, means the Department of Health, Social Services and Public Safety, and
  - (d) in relation to Scotland, means the Scottish Ministers;
- “enactment” includes –
- (a) an Act of the Scottish Parliament,
  - (b) a Measure or Act of the National Assembly for Wales, or
  - (c) Northern Ireland legislation;
- “external packaging”, “internal packaging” and “wrapper” have the meanings given by regulations under subsection (6);
- “packaging”, in relation to a tobacco product, means –
- (a) the external packaging of that product,
  - (b) any internal packaging of that product,
  - (c) any wrapper of that product, or
  - (d) any other material attached to or included with that product or anything within paragraphs (a) to (c);
- “retail packaging”, in relation to a tobacco product, means the packaging in which it is, or is intended to be, presented for retail sale;
- “retail sale” means sale otherwise than to a person who is acting in the course of a business which is part of the tobacco trade;
- “tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed;
- “travel retail sector” means retail outlets in the United Kingdom at which tobacco products may be purchased only by people travelling on journeys to destinations outside the United Kingdom.”

**125** Insert the following new Clause –

**“Protection of children’s health: offence of smoking in a private vehicle**

- (1) The Health Act 2006 is amended as follows.
- (2) In section 5 (smoke-free vehicles) –
  - (a) after subsection (1) insert –
    - “(1A) Regulations under this section may in particular provide for a private vehicle to be smoke-free where a person under the age of 18 is present in the vehicle.”, and
  - (b) in subsection (2), for “The regulations” substitute “Regulations under this section”.
- (3) In section 9 (fixed penalties), after subsection (1) insert –
  - “(1A) The appropriate national authority may by regulations provide that, in the circumstances specified in the regulations, an authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 8(4) in relation to a vehicle in relation to which the authorised officer has functions may give the person a penalty notice in respect of the offence.”
- (4) In section 10(1) (power to designate bodies or descriptions of body as enforcement authorities) –

- (a) after “designating the” insert “persons or”, and
  - (b) after “descriptions of” insert “person or”.
- (5) In section 79 (orders and regulations) –
- (a) in subsection (4) (powers to which affirmative procedure applies), in paragraph (a) (powers in Part 1), for “or 8(7)” substitute “, 8(7) or 9(1A)”,
  - (b) in that subsection, in paragraph (f) (powers in Schedule 1), for “or 8” substitute “, 8 or 17”, and
  - (c) after that subsection insert –
    - “(4A) No statutory instrument containing regulations under section 9(1A) or paragraph 17 of Schedule 1 may be made 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.”
- (6) In Schedule 1 (fixed penalties), after paragraph 16 insert –
- “Power to amend or modify Schedule*
- 17 The appropriate national authority may by regulations –
- (a) amend this Schedule so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority of a particular kind, or
  - (b) provide for this Schedule to apply with modifications in relation to such notices.”

126 Insert the following new Clause –

**“Young carers**

- (1) In Part 3 of the Children Act 1989, after section 17 insert –

**“17ZAYoung carers’ needs assessments: England**

- (1) A local authority in England must assess whether a young carer within their area has needs for support and, if so, what those needs are, if –
  - (a) it appears to the authority that the young carer may have needs for support, or
  - (b) the authority receive a request from the young carer or a parent of the young carer to assess the young carer’s needs for support.
- (2) An assessment under subsection (1) is referred to in this Part as a “young carer’s needs assessment”.
- (3) In this Part “young carer” means a person under 18 who provides or intends to provide care for another person (but this is qualified by section 17ZB(3)).
- (4) Subsection (1) does not apply in relation to a young carer if the local authority have previously carried out a care-related assessment of the young carer in relation to the same person cared for.
- (5) But subsection (1) does apply (and so a young carer’s needs assessment must be carried out) if it appears to the authority that

the needs or circumstances of the young carer or the person cared for have changed since the last care-related assessment.

- (6) “Care-related assessment” means –
  - (a) a young carer’s needs assessment;
  - (b) an assessment under any of the following –
    - (i) section 1 of the Carers (Recognition and Services) Act 1995;
    - (ii) section 1 of the Carers and Disabled Children Act 2000;
    - (iii) section 4(3) of the Community Care (Delayed Discharges) Act 2003.
- (7) A young carer’s needs assessment must include an assessment of whether it is appropriate for the young carer to provide, or continue to provide, care for the person in question, in the light of the young carer’s needs for support, other needs and wishes.
- (8) A local authority, in carrying out a young carer’s needs assessment, must have regard to –
  - (a) the extent to which the young carer is participating in or wishes to participate in education, training or recreation, and
  - (b) the extent to which the young carer works or wishes to work.
- (9) A local authority, in carrying out a young carer’s needs assessment, must involve –
  - (a) the young carer,
  - (b) the young carer’s parents, and
  - (c) any person who the young carer or a parent of the young carer requests the authority to involve.
- (10) A local authority that have carried out a young carer’s needs assessment must give a written record of the assessment to –
  - (a) the young carer,
  - (b) the young carer’s parents, and
  - (c) any person to whom the young carer or a parent of the young carer requests the authority to give a copy.
- (11) Where the person cared for is under 18, the written record must state whether the local authority consider him or her to be a child in need.
- (12) A local authority in England must take reasonable steps to identify the extent to which there are young carers within their area who have needs for support.

#### **17ZB Young carers’ needs assessments: supplementary**

- (1) This section applies for the purposes of section 17ZA.
- (2) “Parent”, in relation to a young carer, includes –
  - (a) a parent of the young carer who does not have parental responsibility for the young carer, and
  - (b) a person who is not a parent of the young carer but who has parental responsibility for the young carer.

- (3) A person is not a young carer if the person provides or intends to provide care –
  - (a) under or by virtue of a contract, or
  - (b) as voluntary work.
- (4) But in a case where the local authority consider that the relationship between the person cared for and the person under 18 providing or intending to provide care is such that it would be appropriate for the person under 18 to be regarded as a young carer, that person is to be regarded as such (and subsection (3) is therefore to be ignored in that case).
- (5) The references in section 17ZA and this section to providing care include a reference to providing practical or emotional support.
- (6) Where a local authority –
  - (a) are required to carry out a young carer’s needs assessment, and
  - (b) are required or have decided to carry out some other assessment of the young carer or of the person cared for;
 the local authority may, subject to subsection (7), combine the assessments.
- (7) A young carer’s needs assessment may be combined with an assessment of the person cared for only if the young carer and the person cared for agree.
- (8) The Secretary of State may by regulations make further provision about carrying out a young carer’s needs assessment; the regulations may, in particular –
  - (a) specify matters to which a local authority is to have regard in carrying out a young carer’s needs assessment;
  - (b) specify matters which a local authority is to determine in carrying out a young carer’s needs assessment;
  - (c) make provision about the manner in which a young carer’s needs assessment is to be carried out;
  - (d) make provision about the form a young carer’s needs assessment is to take.
- (9) The Secretary of State may by regulations amend the list in section 17ZA(6)(b) so as to –
  - (a) add an entry,
  - (b) remove an entry, or
  - (c) vary an entry.

### **17ZC Consideration of young carers’ needs assessments**

A local authority that carry out a young carer’s needs assessment must consider the assessment and decide –

- (a) whether the young carer has needs for support in relation to the care which he or she provides or intends to provide;
- (b) if so, whether those needs could be satisfied (wholly or partly) by services which the authority may provide under section 17; and
- (c) if they could be so satisfied, whether or not to provide any such services in relation to the young carer.”

- (2) In section 104 of the Children Act 1989 (regulations and orders) –
- (a) in subsections (2) and (3A) (regulations within subsection (3B) or (3C) not subject to annulment but to be approved in draft) before “(3B)” insert “(3AA),” and
  - (b) after subsection (3A) insert –
 

“(3AA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 17ZB(9).”

127 Insert the following new Clause –

**“Parent carers**

- (1) In the Children Act 1989, after section 17ZC (as inserted by section (*Young carers*)) insert –

**“17ZD Parent carers’ needs assessments: England**

- (1) A local authority in England must, if the conditions in subsections (3) and (4) are met, assess whether a parent carer within their area has needs for support and, if so, what those needs are.
- (2) In this Part “parent carer” means a person aged 18 or over who provides or intends to provide care for a disabled child for whom the person has parental responsibility.
- (3) The first condition is that –
  - (a) it appears to the authority that the parent carer may have needs for support, or
  - (b) the authority receive a request from the parent carer to assess the parent carer’s needs for support.
- (4) The second condition is that the local authority are satisfied that the disabled child cared for and the disabled child’s family are persons for whom they may provide or arrange for the provision of services under section 17.
- (5) An assessment under subsection (1) is referred to in this Part as a “parent carer’s needs assessment”.
- (6) Subsection (1) does not apply in relation to a parent carer if the local authority have previously carried out a care-related assessment of the parent carer in relation to the same disabled child cared for.
- (7) But subsection (1) does apply (and so a parent carer’s needs assessment must be carried out) if it appears to the authority that the needs or circumstances of the parent carer or the disabled child cared for have changed since the last care-related assessment.
- (8) “Care-related assessment” means –
  - (a) a parent carer’s needs assessment;
  - (b) an assessment under any of the following –
    - (i) section 1 of the Carers (Recognition and Services) Act 1995;
    - (ii) section 6 of the Carers and Disabled Children Act 2000;

- (iii) section 4(3) of the Community Care (Delayed Discharges) Act 2003.
- (9) A parent carer’s needs assessment must include an assessment of whether it is appropriate for the parent carer to provide, or continue to provide, care for the disabled child, in the light of the parent carer’s needs for support, other needs and wishes.
- (10) A local authority in carrying out a parent carer’s needs assessment must have regard to –
- (a) the well-being of the parent carer, and
  - (b) the need to safeguard and promote the welfare of the disabled child cared for and any other child for whom the parent carer has parental responsibility.
- (11) In subsection (10) “well-being” has the same meaning as in Part 1 of the Care Act 2014.
- (12) A local authority, in carrying out a parent carer’s needs assessment, must involve –
- (a) the parent carer,
  - (b) any child for whom the parent carer has parental responsibility, and
  - (c) any person who the parent carer requests the authority to involve.
- (13) A local authority that have carried out a parent carer’s needs assessment must give a written record of the assessment to –
- (a) the parent carer, and
  - (b) any person to whom the parent carer requests the authority to give a copy.
- (14) A local authority in England must take reasonable steps to identify the extent to which there are parent carers within their area who have needs for support.

**17ZE Parent carers’ needs assessments: supplementary**

- (1) This section applies for the purposes of section 17ZD.
- (2) The references in section 17ZD to providing care include a reference to providing practical or emotional support.
- (3) Where a local authority –
- (a) are required to carry out a parent carer’s needs assessment, and
  - (b) are required or have decided to carry out some other assessment of the parent carer or of the disabled child cared for,
- the local authority may combine the assessments.
- (4) The Secretary of State may by regulations make further provision about carrying out a parent carer’s needs assessment; the regulations may, in particular –
- (a) specify matters to which a local authority is to have regard in carrying out a parent carer’s needs assessment;
  - (b) specify matters which a local authority is to determine in carrying out a parent carer’s needs assessment;



- (c) make provision about the manner in which a parent carer's needs assessment is to be carried out;
  - (d) make provision about the form a parent carer's needs assessment is to take.
- (5) The Secretary of State may by regulations amend the list in section 17ZD(8)(b) so as to –
- (a) add an entry,
  - (b) remove an entry, or
  - (c) vary an entry.

#### **17ZF Consideration of parent carers' needs assessments**

A local authority that carry out a parent carer's needs assessment must consider the assessment and decide –

- (a) whether the parent carer has needs for support in relation to the care which he or she provides or intends to provide;
  - (b) whether the disabled child cared for has needs for support;
  - (c) if paragraph (a) or (b) applies, whether those needs could be satisfied (wholly or partly) by services which the authority may provide under section 17; and
  - (d) if they could be so satisfied, whether or not to provide any such services in relation to the parent carer or the disabled child cared for.”
- (2) In section 104 of the Children Act 1989 (regulations and orders) –
- (a) in subsections (2) and (3A) (regulations within subsection (3B) or (3C) not subject to annulment but to be approved in draft) after “(3AA),” insert “(3AB),” and
  - (b) after subsection (3AA) insert –
- “(3AB) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 17ZE(5).”

**128** Insert the following new Clause –

#### **“Arrangements for living with former foster parents after reaching adulthood**

- (1) The Children Act 1989 is amended as follows.
- (2) After section 23C (continuing functions in respect of former relevant children) insert –

#### **“23CZA Arrangements for certain former relevant children to continue to live with former foster parents**

- (1) Each local authority in England have the duties provided for in subsection (3) in relation to a staying put arrangement.
- (2) A “staying put arrangement” is an arrangement under which –
  - (a) a person who is a former relevant child by virtue of section 23C(1)(b), and
  - (b) a person (a “former foster parent”) who was the former relevant child's local authority foster parent immediately before the former relevant child ceased to be looked after by the local authority,

continue to live together after the former relevant child has ceased to be looked after.

- (3) It is the duty of the local authority (in discharging the duties in section 23C(3) and by other means) –
    - (a) to monitor the staying put arrangement, and
    - (b) to provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the staying put arrangement.
  - (4) Support provided to the former foster parent under subsection (3)(b) must include financial support.
  - (5) Subsection (3)(b) does not apply if the local authority consider that the staying put arrangement is not consistent with the welfare of the former relevant child.
  - (6) The duties set out in subsection (3) subsist until the former relevant child reaches the age of 21.”
- (3) In Part 2 of Schedule 2 (local authority support for looked after children) after paragraph 19B (preparation for ceasing to be looked after) insert –

*“Preparation for ceasing to be looked after: staying put arrangements*

19BA(1) This paragraph applies in relation to an eligible child (within the meaning of paragraph 19B) who has been placed by a local authority in England with a local authority foster parent.

- (2) When carrying out the assessment of the child’s needs in accordance with paragraph 19B(4), the local authority must determine whether it would be appropriate to provide advice, assistance and support under this Act in order to facilitate a staying put arrangement, and with a view to maintaining such an arrangement, after the local authority cease to look after him or her.
- (3) The local authority must provide advice, assistance and support under this Act in order to facilitate a staying put arrangement if –
  - (a) the local authority determine under sub-paragraph (2) that it would be appropriate to do so, and
  - (b) the eligible child and the local authority foster parent wish to make a staying put arrangement.
- (4) In this paragraph, “staying put arrangement” has the meaning given by section 23CZA.””

129 Insert the following new Clause –

**“Duty to support pupils with medical conditions**

- (1) The appropriate authority for a school to which this section applies must make arrangements for supporting pupils at the school with medical conditions.
- (2) In meeting the duty in subsection (1) the appropriate authority must have regard to guidance issued by the Secretary of State.

- (3) The duty in subsection (1) does not apply in relation to a pupil who is a young child for the purposes of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England).
- (4) This section applies to the following schools in England –
- (a) a maintained school;
  - (b) an Academy school;
  - (c) an alternative provision Academy;
  - (d) a pupil referral unit.
- (5) In this section –
- “the appropriate authority for a school” means –
- (a) in the case of a maintained school, the governing body,
  - (b) in the case of an Academy, the proprietor, and
  - (c) in the case of a pupil referral unit, the management committee;
- “maintained school” means –
- (a) a community, foundation or voluntary school, within the meaning of the School Standards and Framework Act 1998, or
  - (b) a community or foundation special school, within the meaning of that Act.
- (6) The Education Act 1996 and this section are to be read as if this section were included in that Act.”

130 Insert the following new Clause –

**“Local authority functions relating to children etc: intervention**

- (1) Section 497A of the Education Act 1996 (which confers power on the Secretary of State to secure the proper performance of local authority education functions, and is applied to social services functions relating to children by section 50 of the Children Act 2004 and to functions relating to childcare by section 15 of the Childcare Act 2006) is amended in accordance with subsection (2).
- (2) After subsection (4A) insert –
- “(4AA) So far as is appropriate in consequence of a direction given under subsection (4A), a reference (however expressed) in an enactment, instrument or other document to a local authority is to be read as a reference to the person by whom the function is exercisable.
- (4AB) Subsection (4AC) applies if a direction given under subsection (4A) expires or is revoked without being replaced.
- (4AC) So far as is appropriate in consequence of the expiry or revocation, a reference (however expressed) in an instrument or other document to the person by whom the function was exercisable is to be read as a reference to the local authority to which the direction was given.”
- (3) In section 15 of the Local Government Act 1999 (Secretary of State’s power to secure compliance with requirements of Part 1 of that Act) after subsection (6) insert –

- “(6A) So far as is appropriate in consequence of a direction given under subsection (6)(a), a reference (however expressed) in an enactment, instrument or other document to a best value authority is to be read as a reference to the person by whom the function is exercisable.
- (6B) Subsection (6C) applies if a direction given under subsection (6)(a) expires or is revoked without being replaced.
- (6C) So far as is appropriate in consequence of the expiry or revocation, a reference (however expressed) in an instrument or other document to the person by whom the function was exercisable is to be read as a reference to the best value authority to which the direction was given.”

131 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”.

132 Insert the following new Clause –

**“Objectives and standards for establishments and agencies in England**

- (1) In section 22 of the Care Standards Act 2000 (regulation of establishments and agencies), in subsection (1), for the words from “may in particular” to the end substitute “ –
  - (a) regulations made by the Secretary of State may in particular make any provision such as is mentioned in subsection (1A), (2), (7) or (8), and
  - (b) regulations made by the Welsh Ministers may in particular make any provision such as is mentioned in subsection (2), (7) or (8).”
- (2) In that section, after subsection (1) insert –
  - “(1A) Regulations made by the Secretary of State may prescribe objectives and standards which must be met in relation to an establishment or agency for which the CIECSS is the registration authority.””

133 Insert the following new Clause –

**“National minimum standards for establishments and agencies in England**

In section 23 of the Care Standards Act 2000 (national minimum standards), after subsection (1) insert –

- “(1A) The standards applicable to an establishment or agency for which the CIECSS is the registration authority may, in particular, explain or supplement requirements imposed in relation to that establishment or agency by regulations under section 22.””

134 Insert the following new Clause –

**“Disqualification from carrying on, or being employed in, a children’s home**

- (1) Section 65 of the Children Act 1989 (person disqualified from fostering a child privately to be disqualified from carrying on etc children’s home) is amended as follows.
- (2) Before subsection (1) insert –
  - “(A1) A person (“P”) who is disqualified (under section 68) from fostering a child privately must not carry on, or be otherwise concerned in the management of, or have any financial interest in, a children’s home in England unless –
    - (a) P has, within the period of 28 days beginning with the day on which P became aware of P’s disqualification, disclosed to the appropriate authority the fact that P is so disqualified, and
    - (b) P has obtained the appropriate authority’s written consent.
  - (A2) A person (“E”) must not employ a person (“P”) who is so disqualified in a children’s home in England unless –
    - (a) E has, within the period of 28 days beginning with the day on which E became aware of P’s disqualification, disclosed to the appropriate authority the fact that P is so disqualified, and
    - (b) E has obtained the appropriate authority’s written consent.”

- (3) In subsection (1), after “children’s home” insert “in Wales”.
- (4) In subsection (2), after “children’s home” insert “in Wales”.
- (5) In subsection (4), after “subsection” insert “(A1), (A2),”.
- (6) In subsection (5) after “subsection” insert “(A2) or”.

135 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)”,
  - (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.”, and
    - (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).
- (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 79

136 Page 53, line 2, after “must” insert “, in particular,”

#### Clause 85

137 Page 56, line 9, leave out “involve children” and insert “consult children or otherwise involve them”

138 Page 56, 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.”

#### Clause 92

139 Page 85, line 22, at end insert—

“(3CA) Regulations may provide for a reduction in the duration of the maternity allowance period as it applies to a woman to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”

140 Page 85, line 23, leave out “(3C)” and insert “(3CA)”

141 Page 86, line 2, at end insert—

“(3D) Regulations may provide for a reduction in the duration of the maternity pay period as it applies to a woman to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”

142 Page 86, line 32, at end insert—

“(2CA) Regulations may provide for a reduction in the duration of the adoption pay period as it applies to a person to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”

**Clause 96**

143 Page 91, line 16, leave out “(2C)” and insert “(2CA)”

**Clause 107**

144 Page 114, line 34, leave out subsection (6) and insert –

“(6) A statutory instrument containing (whether alone or with other provision) –

- (a) the first regulations to be made under section 49,
- (b) an order under section 54(1) or 55(1),
- (c) regulations under section (*Application of Part to detained persons*)(3),
- (d) regulations under section (*Prohibition of sale of nicotine products to persons under 18*) or (*Amendments consequential on section (Prohibition of sale of nicotine products to persons under 18)*),
- (e) regulations under subsection (6), (8), (9) or (10) of section (*Regulation of retail packaging etc of tobacco products*),
- (f) regulations under subsection (11) of that section which amend, repeal or revoke any provision of an enactment within the meaning of that section, or
- (g) an order under section 108 which amends or repeals any provision of primary legislation,

is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Clause 111**

145 Page 116, 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.”

146 Page 116, line 5, after “18” insert “, (*Extension of licensing of child performances to children under 14*), (*Local authority functions relating to children etc: intervention*), (*Application of suspension etc powers to establishments and agencies in England*), (*Objectives and standards for establishments and agencies in England*) and (*National minimum standards for establishments and agencies in England*)”

147 Page 116, line 6, at end insert –

“( ) Part 5 comes into force on 1 April 2014.”

148 Page 116, line 9, after “subsection” insert “(1A),”

**Clause 112**

149 Page 116, line 14, leave out “is” and insert “and section (*Duty to support pupils with medical conditions*) (duty to support pupils with medical conditions) are”

150 Page 116, line 17, at end insert –

“(3A) Section (*Regulation of retail packaging etc of tobacco products*) extends to the whole of the United Kingdom.”



- 151 Page 116, line 23, at end insert “, subject to subsection (8).  
 (8) Subsection (7) does not apply to the repeal made by section (*Extension of licensing of child performances to children under 14*), which extends to England and Wales only.”

### Schedule 2

- 152 Page 141, line 43, at end insert –  
 “*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*  
 70 In paragraph 13(1)(c) of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services: orders mentioned in section 8(1) of the Children Act 1989) for “residence, contact” substitute “child arrangements orders”.”

### Schedule 3

- 153 Page 150, line 30, leave out sub-paragraphs (2) to (4) and insert –  
 “() In subsection (1), after “local authority” insert “in Wales”.  
 () In the title, after “with” insert “statement of”.  
 55A In section 562D (appropriate special educational provision: arrangements between local authorities), in subsection (2) after “local authority” insert “in Wales”.”
- 154 Page 150, line 36, leave out sub-paragraphs (2) to (8) and insert –  
 “() In subsection (1) after “local authority” insert “in Wales”.  
 () In subsection (2) after “home authority” insert “, where they are a local authority in Wales,”.  
 () In subsection (4) after “local authority” insert “in Wales”.  
 () In subsection (5) after “local authority” insert “in Wales”.  
 () In subsection (7) –  
 (a) in paragraph (a) after “home authority” insert “, where they are a local authority in Wales”, and  
 (b) in paragraph (b) after “authority” insert “in Wales”.  
 () In subsection (8) –  
 (a) after “home authority”, where it first occurs insert “, where they are a local authority in Wales”, and  
 (b) in paragraph (a) after “local authority” insert “in Wales”.”
- 155 Page 151, line 14, leave out sub-paragraphs (2) and (3) and insert –  
 “() In subsection (1) –  
 (a) after “person” insert “ –  
 (a) ”, and  
 (b) after “apply” insert “, and  
 (b) for whom the home authority are a local authority in Wales.”

(i) In subsection (4), for “Subsections (5) and (6) apply” substitute “Subsection (6) applies”.

(j) Omit subsection (5).

(k) In subsection (6), omit paragraph (b) and the “and” preceding it.”

156 Page 153, line 40, 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;”.

#### Schedule 4

157 Page 164, line 35, leave out “and”

158 Page 164, 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.”

159 Page 171, line 44, leave out “and”

160 Page 172, 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.”

161 Page 175, line 21, at end insert –

“( ) Regulations by virtue of subsection (1) which make provision about the suspension of the registration of an early years provider or a later years provider with a childminder agency must include provision conferring on the registered provider a right of appeal to the Tribunal against suspension.”

162 Page 178, line 17, leave out sub-paragraph (3)

163 Page 178, line 24, leave out sub-paragraph (4)

164 Page 179, line 32, leave out “member,”

165 Page 179, line 32, after “of” insert “, or partner in,”

166 Page 179, line 34, leave out “or otherwise work for such an agency.” and insert “be a member of the governing body of such an agency, or otherwise be directly concerned in the management of such an agency, or”

167 Page 179, line 34, at end insert –

“(d) work for such an agency in any capacity which involves entering premises on which early years provision or later years provision is being provided.”

168 Page 179, line 34, at end insert –

“(1A) No early years childminder agency or later years childminder agency may employ a person who is disqualified from registration by regulations under section 76A in any capacity which involves –

- (a) being directly concerned in the management of an early years childminder agency or a later years childminder agency, or
- (b) entering premises on which early years provision or later years provision is being provided.”

169 Page 179, leave out lines 35 to 40

170 Page 179, line 41, leave out “(2)” and insert “(1A)”

171 Page 179, line 41, at end insert –

“( ) A person (“P”) who contravenes subsection (1A) is not guilty of an offence under subsection (3) if P proves that P did not know, and had no reasonable grounds for believing, that the person whom P was employing was disqualified from registration.”

172 Page 181, line 33, leave out “member,”

173 Page 181, line 33, after “of” insert “, or partner in,”

174 Page 181, line 34, after “agency,” insert “a member of its governing body or otherwise directly concerned in the management of the agency,”

175 Page 183, line 20, at end insert –

“ (1) Section 87 (offences by bodies corporate) is amended as follows.

(2) In subsection (1) for “This section” substitute “Subsection (2)”.

(3) After subsection (2) insert –

“(3) Subsection (4) applies where any offence under this Part is committed by a partnership.

(4) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, that partner (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.”

(4) In the title, at the end insert “and partnerships”.

#### **In the Title**

176 Line 2, after “needs” insert “or disabilities”

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LORDS AMENDMENTS TO THE  
CHILDREN AND FAMILIES BILL

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*Ordered, by The House of Commons,  
to be Printed, 5 February 2014.*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS  
LONDON – THE STATIONERY OFFICE LIMITED  
Printed in the United Kingdom by  
The Stationery Office Limited

(34168)

Bill 171

55/3



ISBN 978-0-215-06835-4



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