



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 5 March 2014

CONSIDERATION OF BILL

CARE BILL, AS AMENDED

NEW CLAUSES

The Health and Social Care Information Centre: restrictions on dissemination of information

Secretary Jeremy Hunt

NC14

To move the following Clause:—

(1) Chapter 2 of Part 9 of the Health and Social Care Act 2012 (the Health and Social Care Information Centre) is amended as follows.

(2) In section 253(1) (general duties), after paragraph (c) (but before the “and” after it) insert—

5 “(ca) the need to respect and promote the privacy of recipients of health services and of adult social care in England.”

(3) In section 261 (other dissemination of information), after subsection (1) insert—

10 “(1A) But the Information Centre may do so only if it considers that disseminating the information would be for the purposes of the provision of health care or adult social care.”

(4) After section 262 insert—

“262A Publication and other dissemination: supplementary

15 In exercising any function under this Act of publishing or otherwise disseminating information, the Information Centre must have regard to any advice given to it by the committee appointed by the Health Research Authority under paragraph 8(1) of Schedule 7 to the Care Act 2014 (committee to advise in connection with information dissemination etc).”

As Amendments to Secretary Jeremy Hunt’s proposed New Clause (*The Health and*

Care Bill, continued

Social Care Information Centre: restrictions on dissemination of information (NC14):—

Dr Sarah Wollaston
Paul Burstow
Charlotte Leslie

(a)

Line 9, after 'of', insert 'improving'.

Dr Sarah Wollaston
Paul Burstow
Charlotte Leslie

(b)

Line 10, at end insert '; and if it has satisfied itself that the recipient is competent to handle the data in compliance with all statutory duties and to respect and promote the privacy of recipients of health services and adult social care.'.

Adult safeguarding access order

Paul Burstow
Andrew George
Dr Sarah Wollaston
John McDonnell

NC1

To move the following Clause:—

- (1) An authorised officer may apply to a circuit judge authorised by the Court of Protection for an order (an adult safeguarding access order) in relation to a person living in any premises within a local authority's area if the authorised officer has reasonable cause to suspect a third party is preventing access to allow enquiries to be made under section 42.
- (2) The purposes of an adult safeguarding access order are—
 - (a) to enable the authorised officer and any other person accompanying the officer to speak in private with a person suspected of being an adult at risk of abuse or neglect;
 - (b) to enable the authorised officer to assess the mental capacity of a person suspected of being an adult at risk of abuse;
 - (c) to enable the authorised officer to ascertain whether that person is making decisions freely; and
 - (d) to enable the authorised officer properly to assess whether the person is an adult at risk of abuse or neglect and to make a decision as required by section 42(2) on what, if any, action should be taken.
- (3) While an adult safeguarding access order is in force, the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2).
- (4) The authorised circuit judge may make an adult safeguarding access order if satisfied that—
 - (a) the authorised officer has had regard for the general duty in section 1 (Promoting individual wellbeing) in making a decision under subsection (1);

Care Bill, continued

- (b) all reasonable and practicable steps have been taken to obtain access to a person suspected of being an adult at risk of abuse or neglect before seeking an order under this section;
 - (c) the authorised officer has reasonable cause to suspect that a person is an adult who is experiencing or at risk of abuse or neglect;
 - (d) the authorised officer has reasonable cause to suspect that a person is unable to make decisions freely;
 - (e) it is necessary for the authorised officer to gain access to the person in order to make the enquiries needed to inform the decision required by section 42(2) on what, if any, action should be taken;
 - (f) making an order is necessary in order to fulfil the purposes set out in subsection (2);
 - (g) exercising the power of access conferred by the order will not result in the person being at greater risk of abuse or neglect; and
 - (h) all reasonable and practicable steps have been taken to serve notice of the intention to apply for an order on—
 - (i) the person suspected of being an adult at risk of abuse or neglect; and
 - (ii) any relevant third party who the authorised officer has reasonable cause to suspect is preventing access to allow enquiries to be made under section 42 and for the purposes set out in subsection (2);
- (5) An adult safeguarding access order must—
- (a) only be executed once;
 - (b) specify the premises to which it relates;
 - (c) provide that the authorised officer shall be accompanied by a constable; and
 - (d) specify the period for which the order is to be in force.
- (6) An adult safeguarding order may attach other conditions, including—
- (a) specifying restrictions on the time that the power of access conferred by the order may be exercised;
 - (b) providing for the authorised officer to be accompanied by another specified person;
 - (c) requiring notice of the order to be given to the occupier of the premises and to the person suspected of being an adult at risk of abuse; or
 - (d) such other conditions at the authorised circuit judge deems it necessary to attach.
- (7) A constable accompanying the authorised officer may use reasonable force under section 117 of the Police and Criminal Evidence Act 1984 if necessary in the circumstance in order to fulfil the purposes of an adult safeguarding access order set out in subsection (2).
- (8) On entering the premises in accordance with an adult safeguarding access order the authorised officer must—
- (a) state the object of the visit;
 - (b) produce evidence of the authorisation to enter the premises; and
 - (c) provide an explanation to the occupier of the premises of how to complain about —
 - (i) the decision to apply for an order; and
 - (ii) how the order has been exercised.
- (9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section.

Care Bill, continued

- (10) Regulations may set restrictions on the persons or categories of persons who may be authorised.
 - (11) Subsections 2(c) and 4(d) refer to a person under constraint, or subject to coercion or undue diligence, or for some other reason deprived of the capacity to make the relevant decision or disabled from making a free choice, or incapacitated or disabled from giving or expressing a real and genuine consent.’
-

Review of the case for establishing a commissioner for older people in England

Paul Burstow
Andrew George
John McDonnell
Mr David Ward

NC2

To move the following Clause:—

- ‘(1) The Secretary of State shall establish an independent review of the case for establishing a statutory office of Commissioner for Older People in England.
 - (2) The review will consider the—
 - (a) increasing diversity of the older population in England;
 - (b) UN Principles for Older Persons in 1991 (UN 1991) and other relevant developments in international policy on ageing;
 - (c) lessons from the establishment of such offices in Wales and Northern Ireland;
 - (d) balance of advocacy, investigatory and enforcement duties and powers to be granted to the office in statute;
 - (e) jurisdiction of the office in relation to other public bodies;
 - (f) relationship of the office to Ministers;
 - (g) accountability of the office to Parliament;
 - (h) appointment of the office holder;
 - (i) human and financial resources necessary to support the office; and
 - (j) any other matters the Secretary of State sets out in the terms of reference of the review.
 - (3) The review will report and make recommendations to the Prime Minister, Deputy Prime Minister, Chancellor of the Exchequer and the Secretary of State by December 2014.’
-

Care Bill, *continued*

Duty to identify carers

Paul Burstow
Mr Robert Buckland
Sarah Newton
Andrew George
John McDonnell

NC3

To move the following Clause:—

‘Each NHS body in a local authority’s area, as defined in section 6(8), shall co-operate with the local authority to ensure that effective procedures exist to identify patients who are or are about to become carers and make arrangements for carers to receive appropriate information and advice.’.

Local authority duty to make reasonable charges

Paul Burstow
Andrew George
Dr Sarah Wollaston
John McDonnell

NC4

To move the following Clause:—

‘Where a local authority that meets an individual’s needs under sections 18 to 20 of Part 1 of this Act is satisfied that the individual’s means are insufficient for it to be reasonably practicable for the individual to pay the amount which would otherwise be charged, the authority shall not require the individual to pay more for it than it appears to them that it is reasonably practicable to be paid.’.

Portability of care

Sheila Gilmore
Fiona O’Donnell
Nic Dakin
Martin Caton
Mark Lazarowicz
Ann McKechin

Mrs Anne McGuire
Mrs Emma Lewell-Buck
Naomi Long
Jim Dobbin
Sarah Champion
Lindsay Roy
Grahame M. Morris

John Robertson
Yasmin Qureshi
Andy McDonald
Mr David Blunkett
Caroline Lucas
Dame Anne Begg

Mrs Madeleine Moon
Barbara Keeley
Andrew George
Tom Greatrex
Mark Durkan
John McDonnell

NC5

To move the following Clause:—

Care Bill, continued

- (1) The Secretary of State must prepare a report containing an assessment of what primary or secondary legislation would be required to ensure people in receipt of care and support in the community in the UK receive continuity of such care and support if they change their place of residence, with particular reference to moves between countries of the United Kingdom.
- (2) The report under subsection (1) must be laid before each House of Parliament six months after this Bill receives Royal Assent.’.

Secretary of State’s response to a section 65 regulator’s report on an NHS foundation trust

Jeremy Lefroy
Mr William Cash
Fiona Bruce
Mr Gary Streeter
Jacob Rees-Mogg
John Hemming

Mr Philip Hollobone
Mr David Davis

Mr Aidan Burley
Bob Blackman

Dr Julian Lewis

NC6

To move the following Clause:—

‘In section 65KD of the National Health Service Act 2006, after subsection (1) insert—

- “(1A) If the Secretary of State, in relation to the report, would be satisfied as mentioned in subsection (1), with the addition, omission and/or alteration of recommendations contained therein that the Secretary of State regards as reasonable—
- (a) to secure the safety, quality or efficiency of some or all services,
or
- (b) in the circumstances of the case
- he may accept the final report as if it had been amended to provide for the addition, omission or alteration so specified.
- (1B) Where the Secretary of State has accepted the report with amendments as specified in subsection (1A), the Secretary of State must as soon as reasonably practicable—
- (a) publish a notice of the decision, the amendments and the reasons for them;
- (b) lay a copy of the notice before each House of Parliament.”’.

Care Bill, *continued*

Independent review of future demand for social care and healthcare

Paul Burstow
 Bob Blackman
 Andrew George
 Dr Sarah Wollaston
 John McDonnell
 Mr David Ward

NC7

To move the following Clause:—

- ‘(1) The Secretary of State shall make arrangements for an independent review of, and report on, the likely demand for adult social care, public health and healthcare services in England over the next twenty years.
- (2) The objective of the review mentioned in subsection (1) shall be to identify the key factors determining the financial and other resources required to ensure that social care and health functions as a cost effective, high quality, equitable, integrated and sustainable single system which—
 - (a) promotes individual well-being (as defined in Part 1 of this Act),
 - (b) enables access to be determined on the basis of need, and
 - (c) can meet forecast demand.
- (3) The arrangements for the conduct of review shall include provision for a fully integrated modeling and analysis of health and social care including examination of—
 - (a) the technological, demographic and health status trends over the next two decades that may inform or affect demand for adult social care and health services;
 - (b) the inter-dependencies between adult social care, public health and healthcare and the appropriate balance between different types of intervention, in particular between:—
 - (i) health and social care,
 - (ii) primary and secondary care,
 - (iii) physical and mental health, and
 - (iv) treatment and prevention; and
 - (c) any other matter that the Secretary of State sets out in the review’s terms of reference.
- (4) The Secretary of State shall lay before each House of Parliament a copy of an interim report on emerging themes and trends identified by the first such review by the end of November 2014 and make arrangements for a consultation process to be undertaken in relation to those interim findings.
- (5) The Secretary of State shall lay before each House of Parliament a copy of the final report by the end of July 2015.
- (6) At no more than five year intervals, the Secretary of State shall make arrangements for the updating of the report of the review mentioned in subsection (1) with the same objective and approach as mentioned in subsections (2) and (3), and including such matters as are provided for in paragraph (3)(c), and shall prepare and lay before each House of Parliament a report on the outcomes.
- (7) The Secretary of State shall prepare and lay before each House of Parliament, as appropriate, a statement on the extent to which the reports mentioned in

Care Bill, continued

subsections (1) and (6) inform the Government's wider fiscal and economic strategy and decisions in each public spending review.'

CQC thematic review of local authority commissioning practices

Paul Burstow
Andrew George

NC8

To move the following Clause:—

- (1) The Secretary of State shall require the Care Quality Commission to conduct a special review and investigation under section 48 of the Health and Social Care Act 2008 into the impact of local authority commissioning and procurement practices on the quality and sustainability of adult social care.
- (2) The review shall examine the—
 - (a) implementation and operation of sector-led improvement;
 - (b) transparency of decision-making in determining rates for care and support services including the setting of arbitrary ceilings on the amounts local authorities will pay for care and support services and the use of time and task-orientated contract specifications;
 - (c) impact of procurement action on the diversity and quality of care and support services;
 - (d) transparency and fitness for purpose of resource allocation and similar methodologies for determining the level of personal budgets and direct payments;
 - (e) type and quality of engagement by local authorities with provider organisations, service users and carers, prior to procurement action; and
 - (f) ability of provider organisations to meet their statutory obligations, in particular paying employees at or above the national minimum wage.
- (3) The Review will report and make recommendations to the Secretary of State within twelve months of Commencement of Part 1 of this Act.'

Reporting on the funding for new costs arising from the Care Act

Paul Burstow
Dr Julian Huppert
Bob Blackman
Andrew George
Dr Sarah Wollaston
Liz Kendall

Mr Jamie Reed
Grahame M. Morris

John McDonnell

Mr David Ward

NC9

To move the following Clause:—

Care Bill, continued

- (1) The Joint Care and Support Reform Programme Board must inform the Secretary of State by an annual written report that it is satisfied whether sufficient funding is in place to ensure that social care is adequately funded and that the provisions in the Act can be implemented satisfactorily.
- (2) In subsection (1), the “Joint Care and Support Reform Programme Board” means the board of that name consisting of representatives of (but not limited to): the Local Government Association, the Association of Directors of Adult Social Services and the Department of Health.
- (3) The report mentioned in subsection (1) should include a statement of the satisfaction of the Joint Care and Support Reform Programme Board with (but not limited to)—
 - (a) adequacy of the funding of the provisions in this Act,
 - (b) on-going costs of implementation,
 - (c) an additional five yearly review of the short and medium term cost of setting the eligibility criteria at the level set out in regulations.’.

Exercise of functions

Paul Burstow
Andrew George

NC10

To move the following Clause:—

‘When exercising functions under section 31 (Urgent procedure for suspension, variation etc.) of the Health and Social Care Act 2008, the Care Quality Commission may not take account of its functions under section 83 (Trust special administration: appointment of administrator) of this Act.’.

Provision of certain care and support services to be public function

Paul Burstow
Liz Kendall
Andrew George
Grahame M. Morris

NC11

To move the following Clause:—

- (1) A person (“P”) who provides regulated social care for an individual under arrangements made with P by a public authority, or paid for by a public authority, is to be taken for the purposes of subsection (3)(b) of section 6 of the Human Rights Act 1998 (acts of public authorities) to be exercising a function of a public nature in doing so.
- (2) This section applies to persons providing services regulated by the Care Quality Commission.

Care Bill, continued

- (3) In this section “social care” has the same meaning as in the Health and Social Care Act 2008.’
-

CQC duty to support integration of social and health care

Paul Burstow
Andrew George

NC12

To move the following Clause:—

‘In exercising the functions and duties set out in section 90 (*Performance ratings*), the Commission must act always to require, enable and encourage the provision of health services in ways that support and facilitate the functions and duties of—

- (a) local authorities set out in section 3 (Promoting integration of care and support with health services etc.) of this Act,
- (b) the NHS Commissioning Board set out in section 23(1) 13N (*The NHS Commissioning Board: further provision*) of the Health and Social Care Act 2012, and
- (c) clinical commissioning groups set out in section 26 (14Z1) (Clinical commissioning groups: general duties etc.) of the Health and Social Care Act 2012

where it considers that this—

- (i) improve the quality of those services (including the outcomes that are achieved from their provision),
 - (ii) reduce inequalities between persons with respect to their ability to access those services, or
 - (iii) reduce inequalities between persons with respect to the outcomes achieved for them by the provision of those services.’
-

Deferred payment data

Paul Burstow
Andrew George

NC13

To move the following Clause:—

‘The Health and Social Care Information Centre shall make arrangements to collect and publish data including, but not limited to—

- (a) the number of individuals entering into a deferred payment arrangement,
- (b) the proportion of those individuals who received—
 - (i) regulated financial advice,
 - (ii) other forms of advice, and
 - (iii) no advicebefore entering into a deferred payment arrangement,

Care Bill, *continued*

- (c) the average length of time a deferred payment arrangement is held,
- (d) the numbers of individuals holding such arrangements broken down by different periods of time held, and
- (e) the amount of money deferred under such arrangement.’

National framework for local authority fees for care providers

Paul Burstow
Andrew George

NC15

To move the following Clause:—

- ‘(1) The Secretary of State shall establish an indicative national formula with which local authorities shall determine the costs of care provision in their area.
- (2) In having regard to the matters mentioned in section 5(2)(b), a local authority must derive fee levels for independent providers of care and support services from the formula mentioned in subsection (1).
- (3) The Secretary of State shall make arrangements for the audit of local authority fee levels to determine their compliance with the duty mentioned in subsection (2) and the extent to which this contributes to the effective delivery of the requirements of section 5(2), with particular reference to paragraphs (b), (d), (e) and (f).
- (4) The formula in subsection (1) shall be made by regulations laid in pursuance of section 123(4) of this Act.’

Powers of local commissioners in relation to TSA recommendations

Paul Burstow
Andrew George
John Hemming
Sir Andrew Stunell

NC16

To move the following Clause:—

- ‘(1) In section 65DA(1) of the National Health Service Act 2006 (Chapter 5A of Part 2: Objective of trust special administration) omit “objective” and insert “objectives” and omit “is” and insert “are”.
- (2) After subsection (1)(a) insert—
 - “(b) the continued provision of such of the services provided for the purposes of the NHS by any affected trust at such level, as the commissioners of those services determine.”
- (3) After subsection 1(b) omit “(b)” and insert “(c)”.
- (4) In subsection (2) of that section after “The commissioners” insert “of the trust in special administration and any affected trust”.
- (5) In subsection (4) of that section after “the commissioners” add “of the trust in special administration and any affected trust”.

Care Bill, continued

- (6) In subsection (9) of that section after ““commissioners” means the persons to which the trust provides services under this Act” add “and the commissioners of services at any affected trust”.
- (7) In section 65F insert—
- “(2E) Where the administrator is considering recommending taking action in relation to another NHS foundation trust or an NHS trust which may become an affected trust, the administrator shall engage with the commissioners of services at any such NHS foundation trust or NHS trust in order to enable those commissioners to make decisions pursuant to the matters set out in section 65DA.”.
- (8) In section 651(1)—
- (a) after “action which the administrator recommends that the Secretary of State” insert “or the commissioners of any affected trust”; and
- (b) after “should take in relation to the trust” insert “or any affected trust”.
- (9) In section 65K add—
- “(3) Where the final report contains recommendations for changes to be made to services provided by an affected trust, the commissioners of services at that affected trust shall make a decision within 20 working days whether they wish to undertake public and patient involvement regarding all or any of the recommendations and, if they are so minded, shall comply with any arrangements for patient and public involvement agreed by those commissioners under this Act before making any final decision concerning the said recommendations.”.
- (10) In section 65KA add—
- “(7) Where the final report contains recommendations for changes to be made to services provided by an affected trust, the commissioners of those services shall make a decision within 20 working days whether they wish to undertake public and patient involvement regarding all or any of the recommendations and, if they are so minded, shall comply with any arrangements for patient and public involvement agreed by those commissioners under this Act before making any final decision concerning the said recommendations.”.
- (11) In section 65KB(1)(d) after “that” insert “to the extent that the report recommends action in relation to the trust in administration”.
- (12) In section 65KB(2)(a) after “decision” insert “in relation to any recommendations made the in relation to the trust in administration”.
- (13) In section 65O add—
- “(4) In this chapter “affected trust” means—
- (a) where the trust in question is an NHS trust, another NHS trust, or an NHS foundation trust, which provides goods or services under this Act that would be affected by the action recommended in the draft report; and
- (b) where the trust in question is an NHS foundation trust, another NHS foundation trust, or an NHS trust, which provides services under this Act that would be affected by the action recommended in the draft report.
- (14) In section 13Q(4) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.
- (15) In section 14Z2(7) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.

Care Bill, continued

- (16) In section 242(6)(b) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.’.

Member’s explanatory statement

This Clause ensures that all commissioners of services affected by a trust special administrator’s report have the right to define local specified services; clarifies that, save for the trust in administration, local commissioners remain the decision makers for services they commission; and restores public engagement for changes other than for a trust in administration.

Duty to review economic, financial and other factors affecting provision of care services

Liz Kendall
Mr Jamie Reed
Mrs Emma Lewell-Buck
Meg Munn
Grahame M. Morris

NC17

To move the following Clause:—

- ‘(1) The Secretary of State shall make arrangements for—
- (a) a review of the economic and financial factors affecting the employment (including recruitment, training and development, effective deployment and retention) of care sector workers and the extent to which current policies, mechanisms and relevant compliance by regulated providers of care services make it more or less likely that the objectives of this Act will be realised; and
 - (b) a public consultation on the conclusions and recommendations of the review.
- (2) The Secretary of State shall lay a report of the review and public consultation before each House of Parliament by 1 September 2014.’.

Impact of working conditions on quality of care

Liz Kendall
Mr Jamie Reed
Barbara Keeley
Mrs Emma Lewell-Buck
Meg Munn
Grahame M. Morris

NC18

To move the following Clause:—

- ‘(1) In exercising their functions under Part 1 local authorities must assess and consider how working conditions for people employed in care and support services impact on the fulfilment of local authority duties under Part 1 of this Act.
- (2) “Care and support services” means—
- (a) services provided by a local authority; and
 - (b) services commissioned by a local authority.

Care Bill, continued

- (3) Regulations may specify particular matters local authorities must have regard to in relation to subsection (1).’
-

Promoting health of carers

Liz Kendall
Mr Jamie Reed
Barbara Keeley
Jim Shannon
Grahame M. Morris

NC19

To move the following Clause:—

- ‘(1) In exercising their functions health bodies shall—
- (a) promote and safeguard the health and well-being of carers;
 - (b) ensure that effective procedures exist to identify patients who are or are about to become carers;
 - (c) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and
 - (d) ensure that systems are in place to ensure that the relevant general medical services are rendered to their patients who are carers.’
-

Local authorities: duties with respect to young carers

Liz Kendall
Mr Jamie Reed
Barbara Keeley
Jim Shannon
Grahame M. Morris

NC20

To move the following Clause:—

- ‘(1) A local authority must ensure that it takes all reasonable steps to ensure that in relation to—
- (a) any school within its area and under its control; and
 - (b) any functions it discharges in pursuance of its responsibilities as a children’s services authority, there is in place a policy that both identifies young carers and makes arrangement for the provision of support for pupils who are young carers.
- (2) In discharging its duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.’
-

Care Bill, *continued*

Further and higher education: duties with respect of student carers

Liz Kendall
Mr Jamie Reed
Barbara Keeley
Jim Shannon
Grahame M. Morris

NC21

To move the following Clause:—

- ‘(1) The responsible body of an institution to which this section applies must identify or make arrangements to identify student carers and have a policy in place on providing support for student carers.
- (2) This section applies to—
 - (a) a university;
 - (b) any other institution within the higher education sector; and
 - (c) an institution within the further education sector.
- (3) A responsible body is—
 - (a) in the case of an institution in subsection (2)(a) or (b), the governing body;
 - (b) in the case of a college of further education under the management of a board of management, the board of management; and
 - (c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.’.

Duty for Financial Services Consumer Panel

Liz Kendall
Mr Jamie Reed
Grahame M. Morris

NC22

To move the following Clause:—

- ‘(1) The Financial Services Consumer Panel at the Financial Conduct Authority shall have a duty to review the availability, quality, adequacy and effectiveness of financial advice being provided to care users and their families on the implications of the relevant provisions of this Act, and make an annual report thereon to the Secretary of State containing recommendations for steps to take to remedy any deficiencies identified by the Panel.
 - (2) The Secretary of State shall lay a copy of the report mentioned in subsection (1) before each House of Parliament. The first such report must be so laid within 12 months of this Act receiving Royal Assent.’.
-

Care Bill, continued*Financial advice for care users: qualification to provide*

Liz Kendall
Mr Jamie Reed
Grahame M. Morris

NC23

To move the following Clause:—

- ‘(1) The Financial Conduct Authority shall prepare and conduct a review of the implications of the relevant provisions of this Act for—
- (a) training and development; and
 - (b) the level of the required qualifications
- for advisers seeking licences to provide financial advice to care users and their families.
- (2) The Authority shall submit a report of the findings of the review mentioned in subsection (1) to the Secretary of State, along with recommendations.
- (3) The Secretary of State shall lay a copy of the report mentioned in subsection (2) before each House of Parliament. The first such report must be so laid within 12 months of this Act receiving Royal Assent.’
-

Public awareness

Liz Kendall
Mr Jamie Reed
Grahame M. Morris

NC24

To move the following Clause:—

- ‘(1) Local authorities shall have a duty to prepare, publish, consult on and implement a plan for raising and maintaining awareness amongst the residents of their areas of the arrangements for social care, and in particular of any changes to such arrangements brought about by Part 1 of this Act.
- (2) The Secretary of State shall prepare and lay before each House of Parliament an annual report on the level of public awareness and understanding of the arrangements for social care, in particular—
- (a) awareness and understanding of the changes brought about by the provisions of this Act; and
 - (b) the effectiveness of local authorities’ implementation of their plans for raising public awareness in their areas.’

Misuse of data provided by the Health and Social Care Information Centre: offence

Mr Jamie Reed

NC25

To move the following Clause:—

Care Bill, continued

- (1) A person or entity commits an offence if they misuse, or negligently allow the misuse of information they have requested and received from the Health and Social Care Information Centre.
- (2) “Misuse” means—
 - (a) using information in a way that violates the agreement with the Health and Social Care Information Centre;
 - (b) using information in a way that does not violate the agreement with the Health and Social Care Information Centre, but that gives rise to use that is outside the agreed limits of use; or
 - (c) using information supplied by the Health and Social Care Information Centre in such a way as to allow or enable individual patients to be identified by a third party.
- (3) A person who is guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to an unlimited fine;
 - (b) on conviction on indictment, to imprisonment for not more than two years or a fine, or both.
- (4) An entity who is guilty of an offence under subsection (1)—
 - (a) is liable to an unlimited fine; and
 - (b) must disclose the conviction on all future applications to access data from the Health and Social Care Information Centre.’.

Declassification of a police station as a place of safety for the purposes of section 136 of the Mental Health Act 1983

Paul Burstow
Dr Sarah Wollaston

NC26

To move the following Clause:—

- (1) The definition of a place of safety in section 135(6) of the Mental Health Act 1983 shall no longer be read to include a police station for the purposes of section 136 of that Act.
- (2) With regard to persons removed to a place of safety under section 136(1) of the Mental Health Act 1983, subsection (1) above shall have effect from—
 - (a) 1 April 2015, where such a person is aged 18 years or under; and
 - (b) 1 April 2017, where such a person is aged over 18 years.
- (3) By 31 March 2015 the Secretary of State shall prepare and lay before each House of Parliament a report setting out the progress made by that date towards fulfilling the objective set out in subsection (1) above.’.

John McDonnell

26

Clause 1, page 2, line 5, at end insert—

Care Bill, *continued*

- ‘(j) the right to living independently and being included in the community.’.
-

John McDonnell
Jeremy Corbyn

21

Clause 5, page 6, line 2, leave out from ‘must’ to end of line 4, and insert—

- ‘(a) have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of adults in its area and the needs for support of carers in its area; and
- (b) ensure that the fee levels provided to independent providers for the delivery of care and support services are derived from a national formula which determines the accurate cost of care in each local authority area, the result of which will mean that the provisions of paragraphs (2)(b), (d), (e) and (f) can be delivered effectively.’.
-

John McDonnell
Jeremy Corbyn

20

Clause 12, page 11, line 31, at end insert—

- ‘(aa) require the local authority, when carrying out the assessment, to capture an individual’s main and other disabling conditions.’.
-

Secretary Jeremy Hunt

1

Clause 17, page 16, line 40, leave out ‘will not’ and insert ‘is not permitted to, or may (but need not),’.

Secretary Jeremy Hunt

2

Clause 17, page 17, line 4, leave out ‘will not’ and insert ‘is not permitted to, or may (but need not),’.

Secretary Jeremy Hunt

3

Clause 26, page 25, line 5, at end insert—

- ‘(4) Regulations may make provision for excluding costs to a local authority from a personal budget if the costs are incurred in meeting needs for which the authority—
- (a) does not make a charge, or

Care Bill, *continued*

(b) is not permitted to make a charge.’

Secretary Jeremy Hunt 4
 Clause 34, page 31, line 5, after ‘amount’ insert ‘or loan’.

Secretary Jeremy Hunt 5
 Clause 34, page 31, line 7, after ‘amount’ insert ‘or loan’.

Mr Robert Buckland 27
 Clause 42, page 38, line 24, at end insert—
 ‘(2A) There are different types of abuse, as defined in guidance.’.

Mr Robert Buckland 28
 Clause 42, page 38, line 29, at end add—
 ‘(4) A relevant partner, as defined in section 6(7) has a duty, where it has reasonable cause to suspect a person is an adult at risk of abuse or neglect, and the adult appears to be within the local authority’s area, to inform the local authority of that fact.’.

Secretary Jeremy Hunt 6
 Clause 72, page 64, line 31, at end insert—
 ‘(k) investigations into things done or not done by a person or body with power to consider an appeal.’.

John McDonnell
 Jeremy Corbyn 22
 Clause 76, page 69, line 33, after ‘adults’, insert ‘and children’.

John McDonnell
 Jeremy Corbyn 23
 Clause 76, page 69, line 37, after ‘adults’, insert ‘and children’.

Care Bill, continued

John McDonnell
Jeremy Corbyn

Clause 76, page 69, line 42, after ‘adults’, insert ‘and children’.

24

John McDonnell
Jeremy Corbyn

Clause 76, page 69, line 44, after ‘adults’, insert ‘or child’.

25

Secretary Jeremy Hunt

Clause 78, page 70, line 27, leave out paragraph (d).

7

Liz Kendall
Mr Jamie Reed
Mrs Emma Lewell-Buck
Meg Munn
Grahame M. Morris

Clause 90, page 81, line 27, at end insert—

19

‘(2A) The Commission must, in respect of such English local authorities as may be prescribed—

- (a) conduct reviews of the provision of such adult social services provided or commissioned by the authorities as may be prescribed;
- (b) assess the performance of the authorities following each such review; and
- (c) publish a report of its assessment.

(2B) Regulations under subsection (2A) may prescribe—

- (a) all adult social services of a particular description; and
 - (b) all local authorities or particular local authorities.’.
-

Secretary Jeremy Hunt

Clause 109, page 96, line 2, after ‘individuals’ insert ‘aged 18 or over who are’.

8

Care Bill, *continued*

Mr Jamie Reed

29

Clause 116, page 100, line 29, after ‘Authority’, insert ‘and the Secretary of State’.

Andy Burnham
Mr Jamie Reed
Caroline Lucas
Mark Durkan

30

Page 102, line 31, leave out Clause 119.

Secretary Jeremy Hunt

9

Clause 119, page 104, line 3, at end insert—

- ‘(bzc) any local authority in whose area the trust provides goods or services under this Act;
- (bzd) any local authority in whose area an affected trust provides goods or services under this Act;’.

Secretary Jeremy Hunt

10

Clause 119, page 104, line 13, at end insert— ‘, and

- (c) hold at least one meeting to seek responses from representatives of each of the local authorities from which the administrator must request a written response under subsection (7)(bzc) or (bzd).’.

Secretary Jeremy Hunt

11

Clause 119, page 104, line 23, at end insert—

- ‘(11B) In this section, a reference to a local authority includes a reference to the council of a district only where the district is comprised in an area for which there is no county council.’.

Secretary Jeremy Hunt

12

Clause 119, page 104, line 24, leave out ‘and (bzb)’ and insert ‘, (bzb), (bzc) and (bzd)’.

Secretary Jeremy Hunt

13

Clause 119, page 105, line 26, leave out ‘and (bzb)’ and insert ‘, (bzb), (bzc) and (bzd)’.

Secretary Jeremy Hunt

14

Clause 123, page 109, line 18, at end insert—

Care Bill, continued

- (ia) regulations under section 72 (Part 1 appeals) which include provision that amends or repeals a provision of an Act of Parliament.’

Secretary Jeremy Hunt

Clause 125, page 110, line 26, leave out ‘3’ and insert ‘4’.

15

Secretary Jeremy Hunt

Clause 127, page 111, line 20, leave out subsection (2).

16

Secretary Jeremy Hunt

Schedule 7, page 145, line 34, at end insert—

17

‘(c) to the Health and Social Care Information Centre in connection with—

- (i) the exercise by the Centre of functions conferred in regulations under section 251 of the National Health Service Act 2006 (processing of patient information for medical purposes);
- (ii) any publication or other dissemination by the Centre of information which is in a form which identifies an individual to whom the information relates or enables the identity of such an individual to be ascertained.’

Secretary Jeremy Hunt

Schedule 7, page 146, line 4, at end insert—

18

‘8A Regulations may provide for the committee appointed under paragraph 8(1) to be required, in giving advice, to have regard to specified factors or matters.’

ORDER OF THE HOUSE [16 DECEMBER 2013]

That the following provisions shall apply to the Care Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 4 February 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Care Bill, *continued*

Consideration and Third Reading

4. Proceedings on Consideration and Third Reading shall be concluded in two days.
5. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the second of those days.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
7. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

8. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
-