



# SUPPLEMENT TO THE VOTES AND PROCEEDINGS

**Monday 10 March 2014**

## REPORT STAGE PROCEEDINGS

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### CARE BILL, AS AMENDED

*[FIRST DAY]*

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#### *NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 1, AMENDMENTS TO PART 1*

##### *Adult safeguarding access order*

Paul Burstow  
 Andrew George  
 Dr Sarah Wollaston  
 John McDonnell  
 Meg Munn  
 Andrew George

*Withdrawn* NC1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—

*Care Bill, continued*

- (a) the authorised officer has had regard for the general duty in section 1 (Promoting individual wellbeing) in making a decision under subsection (1);
  - (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.

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*Care Bill, continued*

- (9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section.
  - (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.’.
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*Review of the case for establishing a commissioner for older people in England*

Paul Burstow  
Andrew George  
John McDonnell  
Mr David Ward  
Andrew George

*Not called*    **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.’.
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*Care Bill, continued**Duty to identify carers*

Paul Burstow  
Mr Robert Buckland  
Sarah Newton  
Andrew George  
John McDonnell  
Andrew George

Barbara Keeley

*Not called* **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.’.

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*Local authority duty to make reasonable charges*

Paul Burstow  
Andrew George  
Dr Sarah Wollaston  
John McDonnell  
Andrew George

*Not called* **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.’.

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**Care Bill, continued***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  
 Jenny Chapman

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

*Not called* **NC5**

To move the following Clause:—

- ‘(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.’

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*Independent review of future demand for social care and healthcare*

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

Andrew George

*Not called* **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.

*Care Bill, continued*

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

*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  
 Barbara Keeley

John McDonnell  
 Andrew George

Mr David Ward  
 Hazel Blears

*Negated on division* **NC9**

To move the following Clause:—

- '(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.

*Care Bill, continued*

- (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.’.

*Provision of certain care and support services to be public function*

Paul Burstow  
Liz Kendall  
Andrew George  
Grahame M. Morris

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

*Deferred payment data*

Paul Burstow  
Andrew George  
Andrew George

*Not called* **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 advice

*Care Bill, continued*

- before entering into a deferred payment arrangement,
- (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  
 Mr Michael Thornton

*Not called* **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.’

*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  
 Barbara Keeley

*Not called* **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.



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*Care Bill, continued*

- (2) The Secretary of State shall lay a report of the review and public consultation before each House of Parliament by 1 September 2014.’
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*Impact of working conditions on quality of care*

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

*Not called*    **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.
- (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  
Hazel Blears

*Negatived on division*    **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.’
-

**Care Bill, continued***Local authorities: duties with respect to young carers*

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

*Not called*    **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.’
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*Further and higher education: duties with respect of student carers*

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

*Not called*    **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.’
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**Care Bill, continued***Duty for Financial Services Consumer Panel*

Liz Kendall  
Mr Jamie Reed  
Grahame M. Morris

*Not called* **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.’
- 

*Financial advice for care users: qualification to provide*

Liz Kendall  
Mr Jamie Reed  
Grahame M. Morris

*Not called* **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 qualificationsfor 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.’
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*Public awareness*

Liz Kendall  
Mr Jamie Reed  
Grahame M. Morris

*Not called* **NC24**

To move the following Clause:—

*Care Bill, continued*

- ‘(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.’.

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*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  
 Andrew George

*Not called* **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.’.

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*Register of persons who provide regulated social care*

John McDonnell  
 Jeremy Corbyn  
 Kelvin Hopkins

*Not called* **NC31**

To move the following Clause:—

- ‘(1) Health Education England must make arrangements for the compilation, publication and maintenance of a register of persons as set out in section [Provision of certain care and support services to be public functions] who provide regulated social care for an individual under arrangements paid for by a public authority that have undertaken education and training in accordance with the duty set out in section 95.

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*Care Bill, continued*

- (2) This duty may be delegated by HEE to Local Education and Training Boards established under section 101.’
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*Funding and remuneration of home care workers*

Andrew George

*Not called* **NC32**

To move the following Clause:—

- ‘(1) The Secretary of State shall establish an independent review of the funding and remuneration of home care workers with a view to a report making recommendations regarding—
- (a) hourly salary,
  - (b) remuneration of travel time,
  - (c) remuneration of travel costs,
  - (d) minimum time required properly to fulfil each of the care tasks and duties to be performed,
  - (e) establishment of an efficient means of recording arrival and departure times at residential settings, and
  - (f) the charging basis of the agency employing the care worker with a view to ensuring that all the costs of providing for (a) to (e) above are adequately met.
- (2) The Secretary of State shall lay a copy of the report of the review mentioned in subsection (1) before each House of Parliament.’
- 

John McDonnell

*Not called* **26**

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

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

John McDonnell  
Jeremy Corbyn

*Not called* **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,

**Care Bill, continued**

the result of which will mean that the provisions of paragraphs (2)(b), (d), (e) and (f) can be delivered effectively.’.

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John McDonnell  
Jeremy Corbyn

*Not called* 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.’.

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Secretary Jeremy Hunt

*Agreed to* 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

*Agreed to* 2

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

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Mrs Emma Lewell-Buck

*Not called* 31

Clause 24, page 22, line 39, at end insert—

‘(3A) The Secretary of State shall, after suitable consultation, establish by regulation a specified timeframe for the conclusion of the steps required of local authorities by virtue of this section.’.

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Secretary Jeremy Hunt

*Agreed to* 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

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

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**Care Bill, continued**

Mrs Emma Lewell-Buck

*Not called* 32

Clause 27, page 25, line 8, leave out ‘keep under review generally’ and insert ‘review regularly’.

Mrs Emma Lewell-Buck

*Not called* 33

Clause 27, page 25, line 42, at end insert—

‘(5A) The Secretary of State shall, after suitable consultation, establish by regulation appropriate arrangements and timetable for the regular review of care and support plans and of support plans by local authorities provided for in subsection (a).’.

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Secretary Jeremy Hunt*Agreed to* 4

Clause 34, page 31, line 5, after ‘amount’ insert ‘or loan’.

Secretary Jeremy Hunt

*Agreed to* 5

Clause 34, page 31, line 7, after ‘amount’ insert ‘or loan’.

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Mr Robert Buckland*Not called* 27

Clause 42, page 38, line 24, at end insert—

‘(2A) There are different types of abuse, as defined in guidance.’.

Mr Robert Buckland

*Not called* 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.’.

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Secretary Jeremy Hunt*Agreed to* 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.’.

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*Care Bill, continued*

John McDonnell  
Jeremy Corbyn

Clause 76, page 69, line 33, after ‘adults’, insert ‘and children’.

*Not called* 22

John McDonnell  
Jeremy Corbyn

Clause 76, page 69, line 37, after ‘adults’, insert ‘and children’.

*Not called* 23

John McDonnell  
Jeremy Corbyn

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

*Not called* 24

John McDonnell  
Jeremy Corbyn

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

*Not called* 25

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Secretary Jeremy Hunt

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

*Agreed to* 7

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 2, AMENDMENTS TO PART 2*

*CQC thematic review of local authority commissioning practices*

Paul Burstow  
Andrew George

*Withdrawn* 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;



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*Care Bill, continued*

- (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.’
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*Exercise of functions*

Paul Burstow  
Andrew George

*Not called* **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.’

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*CQC duty to support integration of social and health care*

Paul Burstow  
Andrew George

*Not called* **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

*Care Bill, continued*

- (iii) reduce inequalities between persons with respect to the outcomes achieved for them by the provision of those services.’.

*Corporate responsibility for neglect*

Nick Smith  
Liz Kendall  
Paul Burstow

*Negated on division* **NC27**

To move the following Clause:—

- ‘(1) This section applies where a person registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (a “registered care provider”) in respect of the carrying on of a regulated activity (within the meaning of that Part) has reasonable cause to suspect that an adult in their care is experiencing, or at risk of, abuse and neglect.
- (2) The registered care provider must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case and, if so, what and by whom.
- (3) Where abuse or neglect is suspected, the registered care provider is responsible for informing the Safeguarding Adults Board in its area and commits an offence if (without reasonable cause) it fails to do so.
- (4) A registered care provider is guilty of an offence if the way in which its activities are managed or organised by its board or senior management neglects, or is a substantial element in, the existence and or possibility of abuse or neglect occurring.
- (5) A person guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding two years, or to a fine, the range of which will be specified by regulations, or to both.’.

*Review of protections for persons in the health and social care sector making disclosures in the public interest*

Charlotte Leslie  
Mr David Davis  
Sir Peter Bottomley  
Nigel Mills  
Andrew Bridgen  
Rosie Cooper

Katy Clark  
Craig Whittaker  
Rebecca Harris  
Tim Loughton

Neil Parish  
Mark Durkan  
Jeremy Lefroy  
Nick de Bois

Chris Kelly  
Mr Philip Hollobone  
Sarah Wollaston

*Not called* **NC28**

To move the following Clause:—

*Care Bill, continued*

- ‘(1) Within six months of this Act receiving Royal Assent, the Secretary of State must make arrangements for an independent review of—
- (a) the adequacy and effectiveness of provisions for the protection of persons employed within the health and social care sector who make disclosures in the public interest (whistleblowers) about matters of concern to their employer, a prescribed person or body or another person or body;
  - (b) the treatment and experience of past whistleblowers; and
  - (c) the need and opportunities to improve existing protections.
- (2) The review shall take account of—
- (a) the efficacy of existing legal provisions, policies, procedures and practices for the protection of whistleblowing and whistleblowers and access to redress for whistleblowers who suffer adversely consequent upon their disclosures;
  - (b) the available evidence on—
    - (i) the impact of whistleblowing on changes in health and social care standards; and
    - (ii) the treatment of whistleblowers over the last 20 years; and
  - (c) other matters as required by the Secretary of State.
- (3) The Secretary of State shall arrange for a report with recommendations (or an interim report as may be required) from this review to be prepared and laid before each House of Parliament within 12 months of the review commencing.’

*Duty to minimise harm*

Charlotte Leslie  
 Sir Peter Bottomley  
 Andrew Bridgen  
 Rosie Cooper  
 Katy Clark  
 Neil Parish

Chris Kelly  
 Mr Philip Hollobone  
 Tim Loughton

Craig Whittaker  
 Rebecca Harris  
 Nick de Bois

Mark Durkan  
 Jeremy Lefroy

*Not called* **NC29**

To move the following Clause:—

‘In section 20 of the Health and Social Care Act 2008 (regulation of regulated activities), after subsection (2)(b) insert—

- “(2) (c) ensuring that the likelihood of harm befalling persons in respect of whom a regulated activity is taking place is reduced as far as possible.”.’

*Care Bill, continued**Mandatory incident reporting and patient safety management systems*

Charlotte Leslie  
 Sir Peter Bottomley  
 Andrew Bridgen  
 Rosie Cooper  
 Katy Clark  
 Neil Parish

Chris Kelly  
 Mr Philip Hollobone  
 Tim Loughton

Craig Whittaker  
 Rebecca Harris  
 Nick de Bois

Mark Durkan  
 Jeremy Lefroy

*Not called* **NC30**

To move the following Clause:—

‘In section 20 of the Health and Social Care Act 2008 (regulation of regulated activities), after subsection (3)(k) insert—

- “(3) (l) impose requirements as to the reporting by all providers of regulated activities to the affected persons or their representative and family of incidents occurring in the carrying out of such activities which lead to the—
- (i) death;
  - (ii) unexpected deterioration of condition; and
  - (iii) introduction of a new adverse condition
- in respect of the person, regardless of the severity of the new condition and the short and long term impact on the person;
- (m) impose a requirement for the preparation and publication by all providers of regulated services of a safety management system plan.”’.

*Candour Commissioner*

Charlotte Leslie  
 Sir Peter Bottomley  
 Andrew Bridgen  
 Rosie Cooper  
 Katy Clark  
 Neil Parish

Chris Kelly  
 Mr Philip Hollobone  
 Tim Loughton

Craig Whittaker  
 Rebecca Harris  
 Nick de Bois

Mark Durkan  
 Jeremy Lefroy

*Not called* **NC33**

To move the following Clause:—

- ‘(1) The Secretary of State shall establish an Office of the Care Commissioner for Candour and Disclosures in the Public Interest (the “Candour Commissioner’s Office”).
- (2) The Candour Commissioner shall have duties to—
- (a) protect and promote a culture of candour and disclosure in the public interest in the health and care services sector,

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*Care Bill, continued*

- (b) provide or arrange confidential advice and support for persons working in the health and social care sector considering making a disclosure in the public interest,
    - (c) provide or arrange advice and support for persons in the sector who have made such a disclosure, and
    - (d) monitor the treatment, employment and re-employment of persons mentioned in paragraph (c) within the sector.
  - (3) The Commissioner shall report to the Secretary of State, with recommendations—
    - (a) on any issue within the Commissioner's remit as she/he sees fit,
    - (b) making an assessment of the extent to which persons and bodies within the sector are protecting and promoting a culture of candour, with particular reference to the treatment, employment and re-employment within the sector of persons who have previously made a disclosure in the public interest.
  - (4) The Secretary of State shall lay a copy of the Commissioner's annual report before each House of Parliament accompanied by an explanatory statement setting out the steps that the Government plan to take to remediate any shortcomings identified by the Commissioner.'.
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Liz Kendall  
Mr Jamie Reed  
Mrs Emma Lewell-Buck  
Meg Munn  
Grahame M. Morris

*Negatived on division 19*

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

- ‘(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.’.

*At 10.00 pm, the debate was interrupted.*

*Bill to be further considered tomorrow.*