



House of Commons

Thursday 2 July 2015

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 25 and 26

EDUCATION AND ADOPTION BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [30 June 2015].

Steve McCabe
Kevin Brennan
Graham Jones
Mrs Emma Lewell-Buck

Clause 13, page 8, line 18, leave out “give directions” and insert “make orders”

1

Steve McCabe
Kevin Brennan
Graham Jones
Mrs Emma Lewell-Buck

Clause 13, page 8, line 23, leave out “A direction” and insert “An order”

2

Steve McCabe
Kevin Brennan
Graham Jones
Mrs Emma Lewell-Buck

Clause 13, page 8, line 26, at end insert—

7

Education and Adoption Bill, *continued*

“() Where a direction under subsection (1) is to be given the Secretary of State must first publish a statement setting out the criteria against which he has selected the body or bodies who will carry out the functions in the direction.”

Member’s explanatory statement

This amendment would require the Secretary of State to disclose the criteria against which the body or bodies taking on adoption functions have been selected.

Steve McCabe
Kevin Brennan
Graham Jones

8

Clause 13, page 8, line 35, at end insert—

“() Where a direction under subsection (1) is to be given, and the functions in the direction include the recruitment of persons as prospective adopters, the Secretary of State must first publish a statement setting out the criteria against which adopters will be selected after the arrangements in the direction come into operation.”

Member’s explanatory statement

This amendment would prevent the body or bodies taking on adoption functions from changing key criteria.

Steve McCabe
Kevin Brennan
Graham Jones
Bill Esterson
Mrs Emma Lewell-Buck

9

Clause 13, page 8, line 35, at end insert “including support identified in needs assessments of adopted children”

Member’s explanatory statement

This amendment would require the new arrangements to recognise that adequate provision of adoption includes support to meet the needs identified in individual assessments of the adopted children.

Steve McCabe
Kevin Brennan
Graham Jones

3

Clause 13, page 8, line 36, leave out “a direction” and insert “an order”

Steve McCabe
Kevin Brennan
Graham Jones

4

Clause 13, page 8, line 37, leave out “a direction” and insert “an order”

Steve McCabe
Kevin Brennan
Graham Jones

10

Clause 13, page 8, line 38, after subsection (4) insert—

“() The Secretary of State shall make arrangements for the independent inspection and monitoring of the functioning of arrangements resulting from a direction under subsection (1).

Education and Adoption Bill, *continued*

- () Where an independent inspection or monitoring report raises serious concerns about the functioning of arrangements subject to a direction under subsection (1), the Secretary of State must consider whether to exercise his power in subsection (4).”

Member’s explanatory statement

This amendment aims to ensure scrutiny of new arrangements established by Ministerial Direction and promotes remedial action where the results of scrutiny raises serious concerns.

Steve McCabe
Kevin Brennan
Graham Jones

Clause 13, page 8, line 39, leave out “A direction” and insert “An order”

5

Steve McCabe
Kevin Brennan
Graham Jones
Bill Esterson
Mrs Emma Lewell-Buck

Clause 13, page 8, line 40, at end insert—

- “() When giving a direction under this section, the Secretary of State must publish a statement stating his satisfaction, or otherwise, that the outcomes of the proposed arrangements are consistent with arrangements in place across the whole sector.”

Member’s explanatory statement

This amendment is aimed at establishing that adoption functions would remain fully integrated within regional agencies responsible for all permanence arrangements for children, such as fostering, kinship care, returning children home and post placement support.

11

Bill Esterson

★ Clause 13, page 8, line 40, at end insert—

- “(5A) Before making a direction under subsection (1), the Secretary of State must consider, and lay a statement before each House of Parliament about, the impact of the changes proposed within the direction on—

- (a) each relevant local authority’s existing provision in relation to—
- (i) adoption,
 - (ii) foster care,
 - (iii) other potentially permanent placement solutions, and
 - (iv) other social services for children, in particular where delivered by multi-disciplinary teams, and
- (b) the consistency of provision of mental health services to children within the relevant client group affected.”

Member’s explanatory statement

This amendment arises from oral evidence taken by the committee, and would require that, before giving a direction, the Secretary of State takes account of, and reports on, potential impacts of his required changes on the wider landscape of children’s social, and mental health, services being provided by the target authorities.

25

Education and Adoption Bill, *continued*

Steve McCabe
Kevin Brennan
Graham Jones

6

Clause 13, page 8, line 41, at end insert—

- “() Orders under subsection (1)—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

Member’s explanatory statement

These amendments Nos 1 to 6 would require joint arrangements proposed by the Secretary of State to be implemented only after approval by both Houses of Parliament.

Steve McCabe
Kevin Brennan
Graham Jones

12

Clause 13, page 8, line 41, at end insert—

- “(7) Before making any such regulations the Secretary of State shall consult children who have experience of adoption functions, adopters and such persons as he considers appropriate.”

Member’s explanatory statement

This amendment aims to ensure that adequate consultation takes place on the regulations prior to their implementation.

Steve McCabe
Kevin Brennan
Graham Jones
Bill Esterson

13

Clause 13, page 8, line 41, at end insert—

- “() Where a direction under subsection (1) specifies that the functions are to be carried out by more than one agency, the specified bodies offered an opportunity to participate must include at least one voluntary organisation acting as an adoption society as defined by the Adoption Act 1976.”

Member’s explanatory statement

This amendment aims to ensure that smaller voluntary adoption agencies, specialising in finding families for harder-to-place children, are not excluded from or by the new arrangements.

Mrs Emma Lewell-Buck

26

★ Clause 13, page 8, line 41, at end insert—

- “(6A) Prior to making any directions under subsection (1), and within 12 months of this Act coming into force, the Secretary of State shall commission an independent evaluation of the matters under subsection (6B) and shall lay the report of the evaluation before each House of Parliament.

(6B) The evaluation under subsection (6A) shall consider—

- (a) the extent to which directions under section 3ZA should avoid creating any presumption that adoption is automatically the most desirable solution in the interests of any child,
- (b) the extent to which directions under section 3ZA should be consider all permanency placement settings, including (but not limited to) foster care, residential care and kinship care, and

Education and Adoption Bill, *continued*

- (c) the extent to which directions under section 3ZA, or alternative steps and measures, might be used or designed to intervene earlier in the lives of children, mothers, young people, and families as a whole, to prevent or avoid children having to leave their natural family setting.”

Member’s explanatory statement

This amendment arises from oral evidence taken by the committee, and would require that, before considering directions, the Secretary of State must seek independent advice on options for a more holistic approach to permanency and a more preventative approach to family breakdown.

Kevin Brennan
Steve McCabe
Graham Jones

14

Clause 2, page 2, line 9, after “period of compliance” insert “, which shall not be less than 15 working days,”

Member’s explanatory statement

This amendment sets a minimum period—15 working days—within which the governing body must respond to a warning notice before the schools becomes eligible for intervention.

Kevin Brennan
Steve McCabe
Graham Jones

15

Clause 2, page 2, line 19, at end insert—

“(ba) in subsection (4) for paragraph (b) substitute—

“(b) the reasonable action which they require the governing body to take in order to remedy those matters within the compliance period””

Member’s explanatory statement

This amendment ensures that any actions which the governing body is required to take can reasonably be undertaken within the compliance period.

Kevin Brennan
Steve McCabe
Graham Jones

16

Clause 2, page 2, line 28, after “warning notice” insert “, except a warning notice give under s.60A,”

Member’s explanatory statement

This amendment clarifies that a local authority may give a warning notice under section 60A (teachers’ pay and conditions warning notice), to be inserted by this Bill, even though the Secretary of State has given one.

 Education and Adoption Bill, *continued*

Kevin Brennan
Steve McCabe
Graham Jones

18

Clause 2, page 2, leave out lines 30 to 34 and insert—

“(4B) If the local authority informs the Secretary of State that the local authority has given a warning notice to the governing body of a maintained school, then the Secretary of State may not give a warning notice to the governing body.”

Member’s explanatory statement

This amendment would ensure that a governing body could not have two different warning notices in quick succession.

Kevin Brennan
Steve McCabe
Graham Jones

17

Clause 2, page 2, line 31, after “warning notice” insert “, except a warning notice give under s.60A,”

Member’s explanatory statement

This amendment would enable a local authority warning notice under section 60A to remain in force even though the Secretary of State has given one.

Kevin Brennan
Steve McCabe
Graham Jones

19

Clause 2, page 2, line 46, at end insert—

“(2A) Any power exercised under this section by the Secretary of State must be done by Order.”

Member’s explanatory statement

Clause 2 removes the mechanism for governing body appeal to Ofsted. This amendment requires the Secretary of State to exercise any power under the amended section 60A by Order contained in a statutory instrument under section 181(1) of the Education and Inspections Act 2006.

Kevin Brennan
Steve McCabe
Graham Jones

20

Clause 2, page 3, leave out lines 8 and 9

Member’s explanatory statement

This amendment restores section 69A of the Education and Inspections Act 2006 which allows the Secretary of State to require a local authority to issue a warning notice.

Kevin Brennan
Steve McCabe
Graham Jones

21

Clause 2, page 3, leave out line 10

Member’s explanatory statement

This amendment restores the definition of “working day” to section 60.

 Education and Adoption Bill, *continued*

Kevin Brennan
Steve McCabe
Graham Jones

22

Clause 2, page 3, line 10, at end insert—

“(7A) In section 62 of the School Standards and Framework Act 1998, for subsection (2) substitute—

“(2) The circumstances are that—

(a) in the opinion of the authority—

(i) the standards of performance or progress of pupils at the school are unacceptably low, and are likely to remain so; or

(ii) there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance; or

(iii) the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).

(b) for the purpose of subsection (2)(a)(i), the standards of performance or progress of pupils at a school are low if they are low by reference to any one or more of the following—

(i) the standards that the pupils might in all the circumstances reasonably be expected to attain,

(ii) where relevant, the standards previously attained by them, or

(iii) the standards attained by pupils at comparable schools,

(c) the governing body have been informed in writing of the authority’s opinion.””

Member’s explanatory statement

Section 62 under the School Standards and Framework Act gives a local authority power to take immediate action against a maintained school when there was a serious risk to pupils at the school. This amendment is aimed at probing the likely use of section 62 powers in the light of Clause 2.

Kevin Brennan
Steve McCabe
Graham Jones

23

Clause 3, page 3, leave out lines 33 and 34

Member’s explanatory statement

This amendment removes the requirement that the Secretary of State be informed about a local authority use of a section 60A warning notice.

Bill Esterson

24

☆ Clause 8, page 6, line 8, at end insert—

“(A1A) Prior to making an Academy Order in respect of a maintained school under subsection (A1), the Secretary of State must arrange for an independent

Education and Adoption Bill, *continued*

assessment of the impact of conversion into an Academy on vulnerable pupils, including but not limited to—

- (a) children with statements of special educational needs,
 - (b) children with special educational needs without statements,
 - (c) looked after children,
 - (d) children with disabilities, and
 - (e) children with low prior attainment not otherwise falling under (a) to (d).
- (A1B) A report of any assessment conducted under subsection (A1A) shall be laid before each House of Parliament by the Secretary of State.
- (A1C) Where a report under subsection (A1B) indicates any risks of negative impacts on vulnerable pupils, the Secretary of State must accompany the report with a statement of the steps he is taking to satisfy himself that reasonable mitigating steps will be planned and implemented to reduce such risks.”

NEW CLAUSE

Steve McCabe
Kevin Brennan
Graham Jones
Bill Esterson

NC1

To move the following Clause—

“3ZB England – reports to be commissioned and guidance to be reviewed by the Secretary of State

- (1) Before giving a direction under section 3ZA(1) the Secretary of State shall commission and publish a report on the fitness of the authorities and agencies that he proposes should carry out the functions on the matters set out at subsection (2).
- (2) Matters that are to be the subject of the report at subsection (1)—
 - (a) the nature and adequacy of the support the authorities and agencies will provide for those leaving care for adoption up to age 25, for their education and for their adult employment;
 - (b) the arrangements for carrying out mental health assessments for those children leaving care for adoption and the support services for adopted children with mental health needs; and
 - (c) the extent to which he is satisfied that the authorities and agencies have adequate resources and skills to implement and follow the statutory guidance for the identification and matching of children with potential adopters.”

Member’s explanatory statement

This new clause would require the Secretary of State to review the fitness of the services to be provided under the new arrangements before a direction is given, in particular the adequacy of the support to be provided for children leaving care for adoption, their education, their employment and, where needs are identified, their mental health.

Education and Adoption Bill, *continued*

ORDER OF THE HOUSE [22 JUNE 2015]

That the following provisions shall apply to the Education and Adoption Bill:

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 Tuesday 14 July 2015.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

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

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [30 JUNE 2015]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 30 June meet—
 - (a) at 2.00 pm on Tuesday 30 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 2 July;
 - (c) at 9.25 am and 2.00 pm on Tuesday 7 July;
 - (d) at 11.30 am and 2.00 pm on Thursday 9 July;
 - (e) at 9.25 am and 2.00 pm on Tuesday 14 July;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 30 June	Until no later than 9.50 am	Dr Rebecca Allen, Reader in Economics of Education at the Department of Quantitative Social Science, University College London

Education and Adoption Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
		Professor Becky Francis, Professor of Education and Social Justice, King's College London
		Robert Hill, Visiting Senior Research Fellow, King's College London
Tuesday 30 June	Until no later than 10.50 am	Association of School and College Leaders Harris Federation Local Government Association National Governors' Association
Tuesday 30 June	Until no later than 11.25 am	Dr Tim Coulson, Regional Schools Commissioner, East of England and North-East London WISE Academies The Education Endowment Foundation
Tuesday 30 June	Until no later than 3.10 pm	The Adoption Leadership Board Coram Consortium of Voluntary Adoption Agencies
Tuesday 30 June	Until no later than 3.40 pm	Adoption UK Adoption Link
Tuesday 30 June	Until no later than 4.25 pm	The Adolescent and Children's Trust (TACT) Association of Directors of Children's Services Ltd Adoption Focus
Tuesday 30 June	Until no later than 4.40 pm	National Association of Head Teachers
Tuesday 30 June	Until no later than 5.45 pm	Department for Education

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 13; Clauses 2 to 12; Clause 1; Clauses 14 to 18; new Clauses; new Schedules; remaining proceedings on the Bill;

Education and Adoption Bill, *continued*

- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 14 July.
-