

Children and Social Work Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD NASH

Page 1, line 10, after second “the” insert “physical and mental”

Clause 3

LORD NASH

Page 3, line 44, leave out “**on request**”

Page 4, line 5, leave out “requests” and insert “informs the local authority that he or she wishes to receive”

Page 4, line 6, leave out “following duties” and insert “duties provided for in subsections (3) to (6)”

LORD RAMSBOTHAM

Page 4, leave out lines 10 and 11

LORD NASH

Page 4, leave out lines 26 to 30 and insert –

- “(7) Where a former relevant child to whom this section applies is not receiving advice and support under this section, the local authority must offer such advice and support –
- (a) as soon as possible after he or she reaches the age of 21, and
 - (b) at least once in every 12 months.”

LORD RAMSBOTHAM

Page 4, line 26, leave out “take steps to”

Clause 4

LORD NASH

Page 5, leave out line 28 and insert –

“(a) any person who has parental responsibility for the child,”

Page 6, line 9, after “by” insert “section 72(1) of the Adoption Act 1976 or”

Clause 5

LORD NASH

Page 6, line 40, after “by” insert “section 72(1) of the Adoption Act 1976 or”

Clause 6

LORD NASH

Page 8, line 16, after “by” insert “section 72(1) of the Adoption Act 1976 or”

Clause 9

LORD NASH

Page 9, line 11, leave out subsections (1) to (3) and insert –

“In section 1(4) of the Adoption and Children Act 2002 (matters to which court is to have regard in coming to a decision relating to the adoption of a child), in paragraph (f) (relationships), after “relatives,” in the first place it occurs, insert “with any person who is a prospective adopter with whom the child is placed,”.”

Clause 12

LORD NASH

Page 11, line 10, leave out “arrangements” and insert “regulations”

Page 11, leave out lines 15 to 17 and insert –

“() The purpose of a review under subsection (1)(b) is to identify any improvements that should be made by safeguarding partners or others to safeguard and promote the welfare of children.”

Page 11, line 29, leave out “lessons to be learned from the case” and insert “improvements that should be made following the review”

Page 11, line 31, leave out “The arrangements under subsection (1) may include arrangements” and insert “Regulations under this section may include provision”

Page 12, line 13, at end insert –

““safeguarding partners” means persons who, under section 16E, are safeguarding partners in relation to one or more local authority areas in England (see subsection (3) of that section);”

Clause 12 - continued

Page 12, line 21, at end insert –

“() In section 66(3) of that Act (regulations subject to affirmative procedure) after “12B(1)(b)” insert “, 16B,”.”

Clause 13

LORD NASH

Page 12, leave out lines 25 to 34 and insert –

- “(1) Where a local authority in England knows or suspects that a child has been abused or neglected, the local authority must notify the Child Safeguarding Practice Review Panel if –
- (a) the child dies or is seriously harmed in the local authority’s area,
 - or
 - (b) while normally resident in the local authority’s area, the child dies or is seriously harmed outside England.”

Page 12, leave out lines 39 and 40

After Clause 14

LORD WILLS

Insert the following new Clause –

“Whistleblowing arrangement in relation to looked after children and children at risk

The Secretary of State shall issue a code of practice on whistleblowing arrangements which can be taken into account by courts and tribunals when the issue of whistleblowing arises in public bodies providing social services and children’s services, and local authorities, in relation to looked after children and children at risk.”

Insert the following new Clause –

“Public interest disclosure in relation to looked after children and children at risk

- (1) The Secretary of State may make regulations prohibiting a public body providing social services or children’s services, or a local authority, from discriminating against an applicant because it appears to that body that the applicant has made a protected disclosure under the Employment Rights Act 1996, in their previous employment by such a body, regarding the treatment by such a body of children at risk.
- (2) An “applicant”, in relation to such a body, means an individual who applies to that employer for –
 - (a) a contract of employment,
 - (b) a contract to do work personally, or
 - (c) appointment to an office or post.

After Clause 14 - continued

- (3) For the purposes of subsection (1), a public body providing social services or children's services, or a local authority, discriminates against an applicant if the employer refuses the applicant's application or in some other way treats the applicant less favourably than it treats or would treat other applicants in relation to the same contract, office or post.
- (4) Regulations under subsection (1) must be made by statutory instrument, and a statutory instrument containing such regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

Clause 15

LORD NASH

Page 14, line 10, at end insert –

"() In section 66(3) of that Act (regulations subject to affirmative procedure) after "16B," (inserted by section 12) insert "16E(3)"."

Clause 16

LORD NASH

Page 14, leave out lines 21 to 24 and insert –

"() The purpose of a review under subsection (1)(b) is to identify any improvements that should be made by persons in the area to safeguard and promote the welfare of children."

Page 14, line 37, leave out "lessons to be learned from the case" and insert "improvements that should be made following the review"

Clause 17

LORD NASH

Page 15, line 25, at end insert "(but the regulations may not create criminal offences)"

Clause 23

LORD NASH

Page 18, leave out line 11 and insert –

- "(1A) The child death review partners may also, if they consider it appropriate, make arrangements for the review of a death in their area of a child not normally resident there.
- (1B) The child death review partners must make arrangements for the analysis of information about deaths reviewed under this section."

Page 18, line 12, leave out "subsection (1)" and insert "this section"

Clause 23 - continued

Page 18, line 13, leave out “death, or the deaths generally,” and insert “death or deaths”

Clause 29

LORD NASH

Page 20, line 25, at end insert –

“() Regulations under this section may not be used so as to remove any prohibition on a local authority in England arranging for functions to be carried out by a body whose activities are carried on for profit.”

Page 20, line 32, leave out subsections (6) and (7)

Page 21, line 1, leave out subsection (9)

After Clause 30

LORD NASH

Insert the following new Clause –

“Parliamentary procedure

- (1) Regulations under section 29 are subject to the negative resolution procedure if they only –
 - (a) relate to requirements imposed by subordinate legislation that was not subject to affirmative resolution procedure, or
 - (b) revoke earlier regulations under that section.
- (2) Any other regulations under section 29 are subject to the affirmative resolution procedure.
- (3) At the same time as laying a draft of a statutory instrument containing regulations under section 29 before Parliament, the Secretary of State must lay before Parliament a report –
 - (a) explaining how the regulations are expected to achieve the purpose mentioned in subsection (1) of that section, and
 - (b) confirming that the regulations are not expected to have a detrimental effect on the welfare of any child and explaining any measures that have been put in place to ensure that is the case.
- (4) If regulations under section 29 are subject to the affirmative resolution procedure and would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, they are to proceed in that House as if they were not a hybrid instrument.
- (5) For the purposes of subsection (1)(a) subordinate legislation “was not subject to affirmative resolution procedure” if it was not subject to any requirement for a draft to be laid before, and approved by a resolution of, each House of Parliament.”

Clause 31

LORD NASH

Page 21, line 22, leave out subsections (2) and (3) and insert—

- “(2) Where a local authority in England asks the Secretary of State to make regulations under section 29 the Secretary of State must invite an expert panel to give advice about—
 - (a) the likely impact of the regulations on children, and
 - (b) the adequacy of any measures that will be in place to monitor their impact on children.
- (3) The expert panel is to consist of—
 - (a) the Children’s Commissioner,
 - (b) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, and
 - (c) one or more other persons appointed by the Secretary of State to consider the request.
- (3A) The Secretary of State may appoint a person under subsection (3)(c) to consider a request only if the Secretary of State thinks that the person has expertise relevant to the subject matter of the request.
- (3B) Having invited the expert panel to advise, the Secretary of State must wait at least 6 weeks before making regulations under section 29 in response to the application.
- (3C) Before making regulations under section 29 in response to the application, the Secretary of State must also publish any written advice given during that 6 week period by the expert panel.”

Page 21, line 31, leave out “or the Secretary of State”

Clause 33

LORD NASH

Page 22, line 22, at end insert—

““child” means a person under the age of 18 (and “children” means people under the age of 18);”

After Clause 40

LORD WILLS

Insert the following new Clause—

“Whistleblowing arrangement in relation to social workers

The Secretary of State shall issue a code of practice on whistleblowing arrangements which can be taken into account by courts and tribunals when the issue of whistleblowing arises in public bodies employing registered social workers, and people who are registered as undertaking education or training in England to become social workers, in order to raise concerns about the work of a public body employing registered social workers.”

After Clause 40 - continued

Insert the following new Clause—

“Public interest disclosure by social workers

- (1) The Secretary of State may make regulations prohibiting a public body employing registered social workers from discriminating against an applicant who is a registered social worker because it appears to that body that the applicant has made a protected disclosure under the Employment Rights Act 1996, in their previous employment.
- (2) An “applicant”, in relation to such a body, means an individual who applies to that employer for—
 - (a) a contract of employment,
 - (b) a contract to do work personally, or
 - (c) appointment to an office or post.
- (3) For the purposes of subsection (1), a public body employing registered social workers discriminates against an applicant if the employer refuses the applicant’s application or in some other way treats the applicant less favourably than it treats or would treat other applicants in relation to the same contract, office or post.
- (4) Regulations under subsection (1) must be made by statutory instrument, and a statutory instrument containing such regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

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