

Children and Families Bill 2013

The Children and Families Bill takes forward the Coalition Government's commitments to improve services for vulnerable children and support strong families. It underpins wider reforms to ensure that all children and young people can succeed, no matter what their background. The Bill will reform the systems for **adoption, looked after children, family justice** and **special educational needs**. It will encourage growth in the **childcare** sector, introduce a new system of **shared parental leave** and ensure children in England have a strong advocate for their rights.

This is a joint Bill, presented by the Secretary of State for Education and on behalf of the Departments for Business, Innovation and Skills and Work and Pensions and the Ministry of Justice. The Bill's provisions have been developed following several independent reviews and extensive consultation. Many clauses have undergone pre-legislative scrutiny.

Main Provisions

Adoption and Virtual School Head (VSH)

The Government wants to see **more children being adopted by loving families with less delay**. Children wait an average of almost two years between entering care and moving in with an adoptive family. The Bill supports the reforms set out in *An Action Plan for Adoption: Tackling Delay* by:

- promoting '**fostering for adoption**' so that children are placed sooner with the families that are likely to adopt them;
- ensuring that search for a **perfect or partial ethnic match does not become a barrier** to finding a child a parent;
- **improving support for adoptive families**;
- creating a new power for Ministers to **drive an increase in adopter recruitment** by requiring outsourcing if necessary.

We are grateful to the Select Committee on Adoption Legislation which carried out pre-legislative scrutiny of the provisions relating to 'fostering for adoption' and ethnicity.

The Government is committed to **improving life chances for all looked after children**. Their educational attainment, while improving, is not doing so fast enough. We know that a 'virtual school head' (VSH) can have a positive impact on the educational progress of looked after children and so the Bill will require every local authority to have a '**virtual school head**' to **champion the education of children in the authority's care**, as if they all attended the same school.

Family Justice System

The Government is **reforming the family justice system to help deliver better outcomes for children and families** who go to court after family separation or where children may be taken into care. The reform programme is tackling delays and ensuring that children's best interests are at the heart of decision making. The Bill will implement commitments the Government made in response to the Family Justice Review by:

- introducing a **time limit of 26 weeks** when courts are considering whether a child should be taken into care ensuring that they **focus on the essentials and don't get caught up in unnecessary evidence or bureaucratic delay**;
- sending a **clear message to separated parents that courts will start from the presumption that both should be involved in their children's lives** where that is safe and consistent with the child's welfare;
- introducing new 'child arrangement orders' which **will focus parents on the child's needs rather than their own 'rights'** and making sure more families have the **opportunity to try mediation** before applying to court.

We are grateful to the Justice Select Committee for its pre-legislative scrutiny of this part of the Bill.

Special Educational Needs (SEN)

The Government is **transforming the system for children and young people with special educational needs (SEN), including those who are disabled, so that services consistently support the best outcomes** for them. The Bill will extend the SEN system from birth to 25, giving children, young people and their parents greater control and choice in decisions and ensuring needs are properly met. It takes forward the reform programme set out in *Support and aspiration: A new approach to special educational needs and disability: Progress and next steps* by:

- replacing statements and learning difficulty assessments with a **new birth- to-25 Education, Health and Care Plan**, extending rights and protections to young people in further education and training and offering families **personal budgets** so that they have more control over the support they need;
- improving **cooperation between all the services that support children and their families** and particularly requiring local authorities and health authorities to work together;
- requiring local authorities to **involve children, young people and parents** in reviewing and developing provision for those with special educational needs and to publish a **'local offer' of support**.

We are grateful to the Education Select Committee for its pre-legislative scrutiny of these clauses.

Childcare

The Government is **reforming childcare to ensure the whole system focuses on providing safe, high-quality care and early education** for children. The enabling measures in the Bill support wider reforms to substantially increase the supply of high quality, affordable and available childcare and include:

- introducing **childminder agencies** to help more childminders into the market and offer greater support and quality assurance;
- removing bureaucracy so that it is easier for schools to offer **'wrap-around' care**.

On 29 January 2013, the Government published *More great childcare* which sets out a plan of action for how this Government will achieve its vision of a dynamic childcare market, delivering high quality early education and childcare. The childcare commission will report shortly.

Office of the Children's Commissioner (OCC)

The Government wants to make sure that the **Children's Commissioner can act as a strong advocate for children**, helping to embed a culture where children's rights and interests are duly recognised. The Bill will help improve the Children's Commissioner's effectiveness, taking forward recommendations in John Dunford's *Review of the Office of the Children's Commissioner* including:

- giving the Commissioner a **statutory remit to 'promote and protect children's rights'**;
- introducing changes to make the Commissioner **more independent from Government**.

We are grateful to the Joint Committee on Human Rights for its pre-legislative scrutiny of these clauses.

Shared Parental Leave and Flexible Working

The Government is committed to encouraging the full involvement of both parents from the earliest stages of pregnancy, including by **promoting a system of shared parental leave**, and to **extending the right to request flexible working to all employees**. These reforms will help create a truly family friendly society and support economic growth by making working arrangements work better for modern life. The Bill will implement the commitments in the Government's response (November 2012) to the *Modern Workplaces* consultation by:

- enabling working **mothers and fathers to share parental leave** when a baby is born;
- allowing **prospective parents to take more time off to attend antenatal appointments**;
- bringing the **leave and pay entitlements for adopters** more closely into line with what is available to birth parents.

For more information see *Children and Families Bill 2013: Contextual Information and Responses to Pre-Legislative Scrutiny* at: www.education.gov.uk/childrenandfamiliesbill