EXPLANATORY NOTES

CHILDREN AND FAMILIES ACT 2014

INTRODUCTION

BACKGROUND AND SUMMARY

PART 1: ADOPTION AND CONTACT

PART 2: FAMILY JUSTICE

PART 3: CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL

EDUCATIONAL NEEDS OR DISABILITIES

PART 4: CHILDCARE ETC

PART 5: WELFARE OF CHILDREN

PART 6: THE CHILDREN'S COMMISSIONER

PART 7: STATUTORY RIGHTS TO LEAVE AND PAY

PART 8: TIME OFF WORK: ANTE-NATAL CARE ETC

PART 9: RIGHT TO REQUEST FLEXIBLE WORKING

TERRITORIAL EXTENT AND APPLICATION

Scotland

Northern Ireland

Wales

PART 1: ADOPTION AND CONTACT

PART 2: FAMILY JUSTICE

PART 3: CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

PART 5: WELFARE OF CHILDREN

PART 6: THE CHILDREN'S COMMISSIONER

PARTS 7, 8 & 9: STATUTORY RIGHTS TO LEAVE AND PAY, TIME OFF WORK: ANTE-NATAL CARE ETC AND RIGHT TO REQUEST FLEXIBLE WORKING

COMMENTARY ON SECTIONS

PART 1: ADOPTION AND CONTACT

Adoption

- Section 1: Contact between prescribed persons and adopted person's relatives
- Section 2: Placement of looked after children with prospective adopters
- Section 3: Repeal of requirement to give due consideration to ethnicity: England
- Section 4: Recruitment, assessment and approval of prospective adopters
- Section 5: Adoption support services: personal budgets
- Section 6: Adoption support services: duty to provide information
- Section 7 and Schedule 1: The Adoption and Children Act Register

Contact

- Section 8: Contact: children in care of local authorities
- Section 9: Contact: post-adoption

PART 2 – FAMILY JUSTICE

- Section 10: Family mediation information and assessment meetings
- Section 11: Welfare of the child: parental involvement
- Section 12: Child arrangements orders
- Schedule 2 Child arrangements orders: amendments

SCHEDULE 2, PART 1: AMENDMENTS OF THE CHILDREN ACT 1989

SCHEDULE 2, PART 2 – CHILD ARRANGEMENTS ORDER – AMENDMENTS IN OTHER LEGISLATION

- Section 13: Control of expert evidence, and of assessments, in children proceedings
- Section 14: Care, supervision and other family proceedings: time limits and timetables
- Section 15: Care Plans
- Section 16: Care proceedings and care plans: regulations: procedural requirements
- Section 17: Repeal of restrictions on divorce and dissolution etc where there are children
- Section 18: Repeal of uncommenced provisions of Part 2 of the Family Law Act 1996

PART 3 - CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

Local authority functions: general principles

Section 19: Local authority functions: Supporting and involving children and young people

Special educational needs etc

Section 20: When a child or young person has special educational needs

Section 21: Special educational provision, health care provision and social care provision

Identifying children and young people with special educational needs and disabilities

Section 22: Identifying children and young people with special educational needs and disabilities

Section 23: Duty of health bodies to bring certain children to local authority's attention

Children and young people for whom a local authority is responsible

Section 24: When a local authority is responsible for a child or young person

Education, health and care provision: integration and joint commissioning

Section 25: Promoting integration

Section 26: Joint commissioning arrangements

Review of education and care provision

Section 27: Duty to keep education and care provision under review

Co-operation and assistance

Section 28: Co-operating generally: local authority functions

Section 29: Co-operating generally: governing body functions

Information and advice

Section 30: Local offer

Section 31: Co-operating in specific cases: local authority functions

Section 32: Advice and information

Mainstream education

Section 33: Children and young people with EHC plans

Section 34: Children and young people with special educational needs but no EHC plan

Section 35: Children with special educational needs in maintained nurseries and mainstream schools

Assessment

Section 36: Assessment of education, health and care needs

Education, health and care plans

- Section 37: Education, health and care plans
- Section 38: Preparation of EHC plans: draft plan
- Section 39: Finalising EHC plans: request for particular school or other institution
- Section 40: Finalising EHC plans: no request for particular school or other institution
- Section 41: Independent special schools and special post-16 institutions: approval
- Section 42: Duty to secure special educational provision and health care provision in accordance with EHC plan
- Section 43: Schools and other institutions named in EHC plan: duty to admit
- Section 44: Reviews and re-assessments
- Section 45: Ceasing to maintain an EHC plan
- Section 46: Maintaining an EHC plan after young person's 25 birthday
- Section 47: Transfer of EHC plans
- Section 48: Release of a child or young person for whom EHC plan previously maintained
- Section 49: Personal budgets and direct payments
- Section 50: Continuation of services under section 17 of the Children Act 1989

Appeals, mediation and dispute resolution

- Section 51: Appeals
- Section 52: Right to mediation
- Section 53: Mediation: health care issues
- Section 54: Mediation: educational and social care issues etc
- Section 55: Mediation
- Section 56: Mediation: supplementary
- Section 57: Resolution of disagreements

- Section 58: Appeals and claims by children: pilot schemes
- Section 59: Appeals and claims by children: follow-up provision
- Section 60: Equality Act 2010: claims against schools by disabled young people

Special educational provision: functions of local authorities

- Section 61: Special educational provision otherwise than in schools, post-16 institutions etc
- Section 62: Special educational provision outside England and Wales
- Section 63: Fees for special educational provision at non-maintained schools and post-16 institutions
- Section 64: Supply of goods and services
- Section 65: Access to schools, post-16 institutions and other institutions

Special educational provision: functions of governing bodies and others

- Section 66: Using best endeavours to secure special educational provision
- Section 67: SEN co-ordinators
- Section 68: Informing parents and young people
- Section 69: SEN information report

Detained Persons

- Section 70: Application of Part to detained persons
- Section 71: Assessment of post-detention education, health and care needs of detained persons
- Section 72: Securing EHC plans for certain detained persons
- Section 73: EHC plans for certain detained persons: appeals and mediation
- Section 74: Duty to keep EHC plans for detained persons.
- Section 75: Supply of goods and services: detained persons

Information to improve well-being of children and young people with SEN

Section 76: Provision and publication of special needs information

Code of Practice

- Section 77: Code of Practice
- Section 78: Making and approval of Code
- Section 79: Review of resolution of disagreements

Supplementary

Section 80: Parents and young people lacking capacity

Section 81: Disapplication of Chapter 1 of Part 4 of EA 1996 in relation to children in England

PART 4 - CHILDCARE ETC

Section 84: Childminder agencies

Schedule 4: Childminder agencies: amendments

Section 85: Inspection of providers of childcare to young children

Section 86: Repeal of local authority's duty to assess sufficiency of childcare provision

Section 87: Discharge of authority's duty to secure free early years provision

Section 88: Governing bodies: provision of community facilities

Section 89: Childcare costs scheme: preparatory expenditure

PART 5 – WELFARE OF CHILDREN

Section 90: Extension of licensing of child performances to children under 14

Section 91: Purchase of tobacco etc. on behalf of persons under 18

Section 92: Prohibition of sale of nicotine products to persons under 18

Section 93: Amendments consequential on section 92

Section 94: Regulation of retail packaging etc of tobacco products

Section 95: Smoking in a private vehicle

Section 96: Young carers

Section 97: Parent carers

Section 98: Arrangements for living with former foster parents after reaching adulthood

Section 99: Promotion of educational achievement of children looked after by local authorities

Section 100: Duty to support pupils with medical conditions

Section 101: Local authority functions relating to children etc: intervention

Section 102: Application of suspension etc powers to establishments and agencies in England

Section 103: Objectives and standards for establishments and agencies in England

Section 104: National minimum standards for establishments and agencies in England

Section 105: Disqualification from carrying on, or being employed in, a children's home

Section 106: Provision of free school lunches

PART 6 - THE CHILDREN'S COMMISSIONER

Section 107: Primary function of the Children's Commissioner

2A United Nations Convention on the Rights of the Child (UNCRC)

Section 2B: Involving children in the discharge of the primary function

Section 2C: Primary function: reports

Section 108: Provision by Commissioner of advice and assistance to certain children

Section 109: Commissioner's power to enter premises

Section 110: Provision of information to Commissioner

Section 111: Advisory board

Section 112: Business plans

Section 113: Annual reports

Section 114: Children living away from home or receiving social care

Section 115 and Schedule 5: Minor and consequential amendments

Inquiries

Functions of Commissioner in respect of Wales, Scotland and Northern Ireland

Young persons

Appointment and tenure of the Children's Commissioner

Interim Appointments

Deputy Children's Commissioner

Section 116: Repeal of requirement to appoint a Children's Rights Director

Schedule 6: Repeal of requirement to appoint a Children's Rights Director: Transfer schemes

PART 7 - STATUTORY RIGHTS TO LEAVE AND PAY

Shared parental leave

Section 117: Shared parental leave

Section 75E: Entitlement to shared parental leave: birth

Section 75F: Entitlement to leave under section 75E: further provision

Section 75G: Entitlement to shared parental leave: adoption

Section 75H: Entitlement to leave under section 75G: further provision

Section 75I: Rights during and after shared parental leave

Section 75J: Redundancy and dismissal

Section 75K: Chapter 1B: supplemental

Section 118: Exclusion or curtailment of other statutory rights to leave

Statutory shared parental pay

Section 119: Statutory shared parental pay

Section 171ZU: Entitlement: birth

Section 171ZV: Entitlement: adoption

Section 171ZW: Entitlement: general

Section 171ZX: Liability to make payments

Section 171ZY: Rate and period of pay

Section 171ZZ: Restrictions on contracting out

Section 171ZZ1: Relationship with contractual remuneration

Section 171ZZ2: Crown employment

Section 171ZZ3: Special classes of person

Section 171ZZ4: Part 12ZC: supplementary

Section 171ZZ5: Power to apply Part 12ZC

Section 120: Curtailment of statutory pay periods and exclusion of statutory pay

Other statutory rights

Section 121: Statutory rights to leave and pay of prospective adopters with whom looked after children are placed

Section 122: Statutory rights to leave and pay of applicants for parental orders

Section 123: Statutory paternity pay: notice requirement and period of payment

Section 124: Rate of statutory adoption pay

Section 125: Abolition of additional paternity leave and additional statutory paternity pay

Section 126: Further amendments

Schedule 7: Statutory rights to leave and pay: further amendments

PART 8 - TIME OFF WORK: ANTE-NATAL CARE ETC

Section 127: Time off work to accompany to ante-natal appointments

Section 128: Time off work to attend adoption appointments

Section 57ZJ: Right to paid time off to attend adoption appointments

Section 57ZK: Right to remuneration for time off for adoption appointments

Section 57ZL: Right to unpaid time off to attend adoption appointments

Section 57ZM: Complaint to employment tribunal

Section 57ZN: Right to paid time off to attend adoption appointments: agency workers

Section 57ZO: Right to remuneration for time off to attend adoption appointments: agency workers

Section 57ZP: Right to unpaid time off to attend adoption appointments: agency workers

Section 57ZQ: Complaint to employment tribunal: agency workers

Section 57ZR: Agency workers: supplementary

Section 129: Right not to be subjected to detriment: agency workers

Section 130: Time off work for ante-natal care: increased amount of award

PART 9 – RIGHT TO REQUEST FLEXIBLE WORKING

Section 131: Removal of the requirement to be a carer

Section 132: Dealing with applications

Section 133: Complaints to employment tribunals

Section 134: Review of sections 131 to 133

PART 10 – GENERAL PROVISIONS

Section 135: Orders and regulations

Section 136: Consequential amendments, repeals and revocations

Section 137: Transitional, transitory or saving provision

Section 139: Commencement

Section 140: Short title and extent

HANSARD REFERENCES