



Department  
for Education

# The Young Person's Guide to the Children and Families Bill

February 2013



## Foreword

Sometimes laws are made that are very important for children. This Bill is what this Government wants to make into the law, as long as Parliament agrees.

We think children should know about new laws that will make a difference to their lives. We have asked for a Young Person's Guide to be written because this law will be very important for children. This Guide tells you what we want the new law to say. We want YOU to know the law we are planning for you.

This Guide is a good summary of what you need to know is in the Bill. It is not the law or the Bill itself. Parliament may change some parts of the Bill before it finally becomes the law. If you need to check something out in more detail, you will need to look at the exact words in the Bill itself.

The Government wants all children and young people to do well. We want to support families. We have done a lot for schools and for the care of very young children. This Bill is about making things better for all children and families. It is also about making things better for children and families who have different sorts of problems in their lives.

This Bill will make changes to help children get adopted faster if adoption is the right thing for them. It will help children who are looked after by the council to do well at school. It will make changes to help the family courts work better for children. It will make changes to help children who have special educational needs at school and when they go to college. It will change the way the Children's Commissioner works for children.

The new law will help families by giving mums and dads more choices about sharing time off work after a new child is born. It will give everybody who goes to work more choice about the times they go to work. It will help families to get good care for very young children.

We want to put children and young people right at the centre. We want things to work out right for children. We want services to meet children's needs, not professionals' needs. We want children to get the help they need without lots of delays. And we want the new law to improve children's rights in this country.

Thank you to all the people who have given us their ideas and views about what has gone into this Bill.

And special thanks to the children and young people who have given us their views. We took notice of what children told us when we decided what to put in this Bill.

We want this Bill to make things better for children and young people.



**Edward Timpson MP**

Minister for Children and Families



**Jo Swinson MP**

Minister for Employment and Equalities

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# Introduction

## What is a Bill?

A Bill is a new law that hasn't been agreed yet. It goes through three steps before it actually becomes the law. It gets checked out by the MPs in the House of Commons in Parliament. It gets checked out by the Members of the House of Lords in Parliament. When they have both done that, and made any changes they think it needs, the Queen signs it. When she does that it becomes a new law, and we all have to keep to it. After the Queen has signed the new law, it is not called a Bill any more, but it is called an Act of Parliament.

## A bit about the Bill

A lot of people suggested the things that are in this Bill. Some groups of people did reviews of what could be changed to make things better for children. For example, David Norgrove led a group of people who looked at how the courts could work better for children. Professor Nutbrown led a group of people who looked at how very young children are looked after. Dr Dunford did a review of how the Children's Commissioner works for children.

Many parts of the Bill have already been checked out by different groups of people in Parliament. Lots of things in the Bill have been on the Government's website so that anyone who wanted to could say what they thought about them. Children and young people were asked for their views on many parts of the Bill. After hearing different people's advice, the Government made some changes to its first ideas of what to put in the Bill.

Not everything the Government is changing for children is in the Children and Families Bill. This is because lots of changes can happen without having to change the law first. The Bill has only got in it the things the Government thinks can't happen without changing the law. There are lots of changes happening which don't need the law to change. For example, changes are happening in how social workers work. Changes are also happening for children in care and care leavers. Councils are working hard to find more foster carers and more people to adopt children. Changes are happening for children with special educational needs. Changes are happening in how the family courts work for children. And there are changes to improve care for very young children. There are other changes to help parents work and look after young children. Making things better is a mixture of doing things better and changing the law where you have to.

There are eight parts of the Bill. In this Guide we have said which part of the Bill the changes come from. This is to help you if you need to find something in the Bill itself.

## About this Guide

This Guide has been looked at by the people who work for the Government, and by the Ministers, to make sure that what it says is right. But please remember that it is only a Guide – it is not the new law itself. So if there is any doubt about anything in this Guide, or if you really need to know exactly what the Bill says, you will need to [look at the Bill itself](#). There are lots of detailed notes there explaining everything in the Bill (called the ‘Explanatory Notes’). You can also find information about the Bill on the [Department for Education’s website](#).

This Guide tells you what will change for children and families if the Bill gets agreed. Remember that the people in Parliament may change things in the Bill. So some things in this Guide may get changed too. We will rewrite this Guide for you with any changes in it when the Queen finally signs the Bill to make it into the law.

We have written this Guide for children and young people in England. This is because the new law set out in the Bill would change things in England. Only some bits of it would change things in Wales, Scotland or Northern Ireland. We have said which changes will happen in which countries.

## What to do if you have strong feelings about something in the Bill

The people in Parliament are talking about everything in the Bill. Nothing has yet been finally decided. You can tell your own Member of Parliament (MP) if you have views or ideas about anything in the Bill. They will then know what you think when they are in Parliament where the Bill is being discussed.

Details of how to get in touch with your MP are on the [UK Parliament’s website](#). There is a box to enter your postcode to find out who your MP is, to find their website and how you can get in touch with them.

# The Bill's main ideas

## Adoption

*For children being adopted the ideas are:*

- that some children should move in sooner to live with the families who might adopt them
- to make it easier to find new parents for children who need to be adopted
- to help find more people to adopt children
- to give families themselves a real choice in exactly who gives them help after the adoption
- to make it easier for people who want to adopt a child to look for the right child for them to adopt

*For contact with birth families for children in care and children who have been adopted the idea is:*

- to make sure that the contact children have with their birth families after they've been taken into care or adopted doesn't cause problems for the child

## Looked after children at school

*For looked after children at school the idea is to:*

- help children who are looked after by their local councils to do well at school

## Family courts

*When children go into care the ideas are:*

- to shorten the time it takes a family court to decide about a child's future
- for the court to think about the things that are most important for its decision about the child, and not spend time on other things
- to speed things up so the court doesn't need to keep making the same decision

*When parents split up the ideas are:*

- to help parents to see if they can sort things out without having to go to court
- that it is usually best for both parents to stay involved with their children, even if they have split up
- that courts should help parents to do what is right for their child, not what they might want to happen for themselves
- to help parents to stay involved in their children's lives

## Children and young people with special educational needs

*For children and young people with special educational needs the ideas are:*

- to get education, health and social care services working together
- to make sure children, young people and families know what help they can get when a child or young person has special educational needs
- to make sure that different organisations work together to help children and young people with special educational needs
- to give children and young people and their parents more say about the help they get
- for one overall assessment to look at what special help a child or young person needs with their education, and their health and social care needs, all at the same time
- for a child or young person to have one plan for meeting their education, health and social care needs, which can run from birth to 25 if it needs to
- to make sure children, young people and their parents can choose some of the help they need
- to help sort things out if a child or young person or their parent needs to appeal about the help they get

## Helping parents by caring for children outside school

*To help parents by caring for children outside school the ideas are to:*

- help more people to look after children as childminders
- save time and money
- help more inspections to happen when they need to
- make it easier for schools to help children before and after school

## The Children's Commissioner

*For changes to the Children's Commissioner the ideas are:*

- to give the Children's Commissioner for England the job of looking after the rights of all children in England
- to give the Commissioner stronger powers
- to make sure the Children's Commissioner is independent but lets other people, including children, know what they are doing

- that in future, the Commissioner will pay particular attention to the rights of children in care or living away from home
- to make it clear how long the Commissioner's job lasts for and to make sure children have a say in who the Commissioner is

## **Parents who have a new child**

*To help parents when they have a new child the ideas are:*

- for both parents to have time off to go together to clinic appointments before their baby is born
- to let people who are going to adopt a child have time off work to see the child and go to meetings about adoption
- to let each parent take time off work when they have a new baby, so they can both have the chance to look after the baby

## **Helping people fit their work times around other things in their lives**

*To help people fit their work times around other things in their lives the idea is that:*

- people who have a job can ask to change their work times or places if they need to



# What the new law would change about adoption



# What the new law would change about adoption

## (in Part 1 of the Bill)

Sometimes because of serious problems children can't stay with their families. Adoption is a legal way of giving those children a new family. At the moment it takes about two years for a child to get adopted. The idea of the new law is that if adoption is the best thing for the child, it should happen faster than this. There should be fewer delays in getting adopted. Children who are going to be adopted should be placed with their new families earlier.

The new law should help find more people to adopt children. It should also mean more help for them when they adopt a child.

## What would change for children being adopted

If the new law is agreed, there will be FIVE main changes for children being adopted, and for families who are adopting them. The new law would only make changes to do with adoption in England.

### Change number one

*The idea is that some children should move in sooner to live with the families who might adopt them*

If the council thinks that it is right for a child to be adopted, they will have to see if the child can move in straight away with a family who could adopt them. They would be a foster child in their new family at first, until the adoption is all agreed and they become the family's adopted child. This is called 'fostering for adoption'.

In some cases, the court might not agree with the council that the child should be adopted by that family. Then the adoption would not go ahead. In that case, the child might be able to go back to their birth parents. Or someone else from their family might be able to look after them. But for many children, fostering for adoption will mean they can start to live with their new family a lot sooner.

### Change number two

*The idea is to make it easier to find new parents for children who need to be adopted*

At the moment, when it is choosing a family to adopt a child, the council has to pay special attention to the child's religion, race, culture and what language they speak. The Government says this is confusing because it makes people think that these things are more important than lots of other things in choosing people to adopt a child.

The new law would change this so that they didn't have to pay more attention to these things than to other important things about the child. Instead, the person deciding who is

best to adopt a child would look at all of the child's needs equally. This should mean that children could be adopted more quickly, by new parents who are right for them. Children would not have to wait for a long time while the council looked for parents who have the same religion, race, culture or language.

BUT - people choosing the right family for a child would still have to think about the child's needs. And they would have to think about anything that matters about the child or the child's background.

SO - they would still have to take into account things like the child's religion, race, culture and language, if those things are important for that child.

They would always have to choose what is best for the child.

AND if the child is able to understand, they would always have to take the child's wishes and how the child feels about things into account too.

### **Change number three**

*The idea is to help find more people to adopt children*

In some areas there aren't enough adopters for all the children who need them. Under the new law, the Government would be able to tell local councils to let other adoption organisations find, check out, and approve people to adopt children in their area instead of the council. The Government would do this to get more people approved to adopt children everywhere in the country.

### **Change number four**

*The idea is to give families themselves a real choice in exactly who gives them help after the adoption*

Councils already have to think about what support an adopted person or their new family needs. This can be the adopted person or their adopter talking to someone about their feelings about adoption or any problems they have found. It could be meetings with a medical specialist who helps children who are very upset. It could also be help to get through difficult situations in the adoption, for example family arguments. If there are practical problems such as organising contact with members of an adopted person's birth family then they could get help with that too.

Under the new law, an adopted person or their adoptive parents would be able to ask the local council to agree with them their own 'budget'. This means the amount of money the council decides to pay to help them after the adoption.

They would be able to spend this money on the help they need. Or they could decide how the council spends it on helping them. They would have a real say in what help they get, and who gives it to them.

Under the new law, councils would have to tell people adopting a child about all the help they could get.

## **Change number five**

*The idea is to make it easier for people who want to adopt a child to look for the right child for them to adopt*

There is a list of all the children who need new parents to adopt them. This is called the 'Adoption Register'. It also lists all the people who are waiting to adopt a child.

Under the new law, people who have been approved as OK to adopt a child will be able to look at this list. They can look for a child they think they could adopt. If they find a child they can tell the people who make the decisions that they'd like to adopt that child.

There would be rules about what details people wanting to find a child to adopt could see about children on the list. There would be rules about what people can and can't do after looking at the list. For example, rules keeping confidential what they have read about children on the list. The rules would say what people would need to do if they find a child they would like to adopt.

## **What the new law would change about contact with birth families for children in care and children who have been adopted**

*The idea is to make sure that the contact children have with their birth families after they've been taken into care or adopted doesn't cause problems for the child*

### **Change number one**

Under the new law, councils would have to make sure that the arrangements they were making for a child in care to have contact with their birth family are safe and right for the child.

They would have to follow new rules about what they must think about when deciding what is the right sort of contact for the child to have with their birth parents and some other people.

### **Change number two**

The new law also means that a court could make orders about whether or not a child can have contact with particular people after they've been adopted. The court could only make orders that are best for the child. These orders could last until the child is 18.

The child, or the people adopting the child, would be able to ask the court to make an order about the child having contact, or not having contact, with particular people. But it is the court's decision whether to make that order.

If anyone else wanted to ask the court to make one of these orders, they would have to ask the court for special permission first.

The court could only order that the child must be allowed to have contact with somebody if the court has been asked to do that by the child, or by the people adopting them, or by someone else who has got special permission to ask the court. The court could make an order that a particular person is not to have contact with the child. The court could do that without anyone asking it to, if it thought it best for the child.

The court's orders could be about an adopted child having, or not having, contact with their birth parents or one of their relatives. They could be about contact with people who used to be their parents or guardians. They could be about contact with anyone the child has lived with for a long time. They could be about contact with someone a court had said they should live with or have contact with in the past.

The court could say exactly how the child must be allowed to keep in touch with particular people. For example by visits, by staying with them, or by other ways of keeping in contact. It could set rules about the way they keep in touch with the child.

If the court makes an order that a child can have contact with someone, that means the child must be allowed to, it does not mean the child has to.

The child, the parents who have adopted them, or someone the court has said can or cannot have contact with the child, would be able to ask the court to change any orders it has made about having contact.

# What the new law would change for looked after children at school



# What the new law would change for looked after children at school

(in Part 1 of the Bill)

*The idea is to help children who are looked after by their local councils to do well at school*

Many councils have someone to make sure that staff in schools don't forget they need to help looked after children to enjoy learning and do well at school. This person is sometimes called a 'Virtual School Head'.

Their job is to know where every looked after child goes to school. It is to find out if teachers are giving looked after children the help they need to do well at school. Looked after children go to lots of different schools. But their 'Virtual School Head' can check on how things are going for them as if they were all in one school, and the 'Virtual School Head' was actually their own Head Teacher.

Having a 'Virtual School Head' has been found to help looked after children do well in their education. It helps looked after children to have the same chance to do well as anyone else.

## The change

The new law would say that every council in England will *have to* appoint a 'Virtual School Head' to help all their looked after children do well at school. Councils would be able to have more than one 'Virtual School Head' if they needed to.

# What the new law would change about family courts





# What the new law would change about family courts

## (in Part 2 of the Bill)

Sometimes a court has to sort out family problems. A family court can decide when a child needs to go into care to stay safe. And if parents split up but can't agree how to look after their children, a court can decide what happens next.

The new law would make changes to try to make going to the family court quicker and simpler. It would try to make sure that it doesn't take so long for the court to decide what is best for a child. At the moment it can take nearly a year to decide whether a child should go into care. This is too long.

There are also parts of the new law to help parents to agree things for their children without having to go to court at all. The new law would help courts and parents to make agreements quickly for the sake of the child. It would also help courts and the local councils to work better together.

## What would change when children go into care

If the new law is agreed, there will be FOUR main changes when a family court needs to decide when a child cannot stay with their family and needs to go into care.

These changes would not make any difference to most children. They would only make a difference for those children who might need to go into care. The new law would not mean other children coming into care.

These changes would happen in England and Wales, but not in Scotland or Northern Ireland.

*The idea behind the first change is to shorten the time it takes a family court to decide about a child's future*

### Change number one

The new law would set a time limit of 26 weeks (about six months) for the court to decide whether or not a child is to go into care (or be put under supervision by the local council). If the court could decide quicker than that then it should do so.

The court would only be allowed to take longer than 26 weeks if there was some special reason why it had to have longer to get the decision right. New rules would say what sorts of reasons these could be.

The court would also need to set a timetable for making its decisions which was right for each child.

*The idea behind the next two changes is for the court to think about the things that are most important for its decision about the child, and not spend time on other things*

## **Change number two**

The new law would tell the court to look at what the child's care plan says about where they are going to live. The care plan is where the council writes down how a child will be looked after until they are 18. Under the new law, the court would only need to look at what the plan says about the child's long term care. This might be for the child to live with their parent, or to live with another member of their family, or to live with a family friend, or to be adopted, or to live permanently somewhere else. The court doesn't need to look at all the other details in the plan but they can do if they want to.

The only other part of the child's care plan the court would need to look at is the bit about who the child has contact with.

The court would not need to look at everything else in the child's care plan. At the moment they spend a lot of time looking at lots of other details.

## **Change number three**

Sometimes, an expert is asked to give their opinions to a family court. The expert might be a doctor, or some other specialist person.

Under the new law, an expert could only write a report for the court or come to the court to give their opinions if the court said that was OK. The expert would need the court's permission to see a child and give their opinions about the child to the court.

The court would only give permission for an expert to give their opinions to the court, or to see a child, if the court needed this information to make the right decision for the child. The court would also have to think about whether it would be OK for the child for an expert to give their opinion to the court, or to examine the child. And they would have to think about whether having the expert would delay the process.

*The idea behind the last change is to speed things up so the court doesn't need to keep making the same decision*

## **Change number four**

While a court is working out what is best for a child, the child can be put into care (or under supervision by the local council) for a short time, rather than leaving them where they are while the child waits for the court to make a final decision. The court can do this if they think it's best for the child. At the moment, a time limit means that the court can only put the child into care for a short time. At the end of the time limit, the judge has to make another decision.

Under the new law, the judge would be able to decide whether the child should stay in care (or be supervised) until the final decisions are made about their future, or for a shorter time than that. They would not have to keep making new decisions about the child staying in care or being supervised every time the time limit ran out.

## **What would change when parents split up**

If the new law is agreed, there will also be FOUR main changes to how the family courts decide things when parents split up. These will help make sure that everyone puts children's needs first.

These changes would happen in England and Wales, but not in Scotland or Northern Ireland.

### **Change number one**

*The idea is to help parents to see if they can sort things out without having to go to court*

The new law would say that before they can ask a court to sort things out for them, parents who are splitting up would have to go to a special meeting. This would be to tell them about ways they could try to sort things out for themselves.

At the meeting, they would be told how they could get help from a 'mediator'. That is someone who can listen without taking sides and help the parents to make a decision that works for their children. They would be told about other ways they could try to sort things out without having to go to a court.

### **Change number two**

*The idea is that it is usually best for both parents to stay involved with their children, even if they have split up*

The new law would say that when a court decides about a child's future after their parents have split up, it is usually best for the child if both their parents stay involved in the child's life.

This means that the court will try and find a way to make sure that both parents stay involved in the child's life, if there is a way for this to happen without it being harmful to the child.

BUT the court would not have to try to make sure that both the child's parents stay involved in their child's life if that would not be the right thing for the child. Children's views are important when deciding whether it would be right or not.

### **Change number three**

*The idea is that courts should help parents to do what is right for their child, not what they might want to happen for themselves*

At the moment, a court can give orders about who a child must live with, or who they must be allowed to have contact with. There are two different kinds of order about these two different things.

The new law would mean that in future both these things will go in just the one new kind of order. This new order will be called a 'Child Arrangements Order'. It can say where the child should live. It can also say who else the child sees and how much they should see them. Putting all these things together should help parents focus on what is best for their child.

### **Change number four**

*The idea is to help parents to stay involved in their children's lives*

Courts can already send parents to do a course or special activities to help them learn how to keep in contact with their child.

The new law would let courts send parents to do these courses or activities if they have not done what the court said they should do in their 'Child Arrangements Order'. This would help the parents stay involved in their child's life. Courts can't send the children on any of these courses or activities, only their parents.

# What the new law would change for children and young people with special educational needs



# What the new law would change for children and young people with special educational needs

## (in Part 3 of the Bill)

The aim is to give good support to children and young people with special educational needs, and their families. Children and young people with special educational needs can find it harder to learn than other people their age. They can need extra help. This support could go right up to when they are 25 if they need longer to finish their education. This means simpler ways of assessing what children and young people need. It means getting health and social care services to work together better. And it means giving children and young people themselves, as well as their parents, more choices about the help they get.

If the new law is agreed, there will be EIGHT main changes for children and young people with special educational needs from birth to age 25. In particular, for the first time, young people aged 16-25 at college with special educational needs would have the right to ask for their needs to be assessed, the right to say which college they want to go to, and the right to make appeals about the support they receive.

These changes would only happen in England, not in Wales, Scotland or Northern Ireland. But they would still happen for a child who comes from England but goes to school in Wales.

### Change number one

*The idea is to get education, health and social care services working together*

Under the new law, councils would have to make sure that education, health and social care services all work together, if that helps them do better for children and young people with special educational needs.

In each part of the country, education, health and social care people would have to work together to decide exactly what help they all need to give children and young people with special educational needs.

Once they have agreed what help should be available for children and young people they should work together to make sure it is available.

### Change number two

*The idea is to make sure children, young people and families know what help they can get when a child or young person has special educational needs*

The new law would make every local council in England write down what help there is in their area for children and young people with special educational needs. This would be for everyone to read, and would be called the 'Local Offer'.

The Local Offer would tell people what help they could get with their health, and what help they could get from social care services, as well as what help they could get with their education. It would say what help there was with travelling to school or college. And it would say what help there was with training for work. It would say what help there was for young people becoming adults and starting to live on their own. It would also say what help there was for children and young people from the area who are studying somewhere else.

Children, young people or their parents could tell the council what they think about the help there is in this Local Offer. The council would have to tell people what children and young people and parents had said about it, and what they were going to do about what they had said.

The Government would be able to make new rules about Local Offers. These could say how councils should ask children and young people and their parents what they think about what the council put in its Local Offer. And they could say how children and young people or their parents would be able to complain about the help they got.

### **Change number three**

*The idea is to make sure that different organisations work together to help children and young people with special educational needs*

The new law would tell lots of different organisations that they must work together with the local council to get the right sort of help to children and young people with special educational needs. These are organisations like other councils, schools the council runs, academy schools, special schools and colleges, nurseries, further education and sixth form colleges, youth offending teams, hospitals and other parts of the health service.

### **Change number four**

*The idea is to give children and young people and their parents more say about the help they get*

The new law would say that councils must take notice of what children and young people with special educational needs, and their parents, have to say about what help they are given. Their wishes and their feelings would have to be taken into account too.

It would be important for councils to help children and young people and their parents to take part as much as possible in decisions about what help they get. Children, young people and their parents would have to be told the information they need to be able to do that.

Councils would have to keep checking whether there is enough help for children and young people with special educational needs. They would have to ask children and young people and their parents what they thought when they did this.

## **Change number five**

*The idea is for one overall assessment to look at what special help a child or young person needs with their education, and their health and social care needs, all at the same time*

There would be a new type of assessment, looking at the child or young person's special educational needs, together with their health and social care needs. A young person or their parent could ask the council to do an assessment. Or the child or young person's school or college could ask the council to do an assessment. The council would then have to decide whether the child or young person needs special help with their education. It would have to ask either the young person, or their parent, what they think.

The Government would be able to make rules about things like how to do education, health and care assessments, and how quickly they have to be done. The council would have to do another assessment if the child or young person, or their parent, or their school or college, asks them to.

## **Change number six**

*The idea is for a child or young person to have one plan for meeting their education, health and social care needs, which can run from birth to 25 if it needs to*

The new law would bring in one new plan for how different professionals will give the child or young person the help they need with their education, health and social care. This would be called an 'Education, health and care plan'. Or 'EHC' plan for short. This would be instead of the 'Statement' of special educational needs or the 'Learning Difficulty Assessment' which children and young people get now.

As well as saying what help the child or young person needs with their education, the plan would say what they should be able to achieve if they get that help.

The council would have to take notice of what the young person, or their parent, said should go in the plan. They would have to check the plan with the young person or their parent before it is finished off.

The young person or their parent would be able to ask for their plan to say they should go to a particular school or college. That school or college would have to take them unless the council thought it was not the right school or college for them.

The new law would say the council must make sure the child or young person actually gets the help with their education their plan says they should get.

The council would have to keep the plan up to date. They would have to check it and update it each year.

If a young person who had an EHC plan went into prison or a detention centre, the plan would start up again and be reviewed as soon as possible after they are released.



An EHC Plan can last until the young person is 25 if needs be. But for most young people it will finish earlier than that, when the young person leaves school or college.

### **Change number seven**

*The idea is to make sure children, young people and their parents can choose some of the help they need*

Under the new law, a young person who has an EHC plan, or their parent, could ask the local council to give them their own 'budget'. This means the amount of money the council has to pay for the help they need with their education, health and social care.

The young person or their parent could be given this money to spend on some of the help they need. Or they could help decide how the council spends it on helping them. This is to give them a real say in what help they get.

It would be up to the young people and their parents to decide whether they wanted to spend the money on help themselves, or to leave it with the council to spend for them.

The Government would make the rules about how this works. The rules could say how the council should help the young person and their parent to choose what the money should be spent on.

### **Change number eight**

*The idea is to help sort things out if a child or young person or their parent needs to appeal about the help they get*

At the moment parents can appeal about the help their child or young person is getting. Under the new law, young people who are over the age when they have to go to school, will be able to appeal themselves about the help they are getting, whether they are still in school or attending a college.

Under the new law, if a young person or their parent wanted to make an appeal, they would be told about how a 'mediator' might be able to help them sort things out. A mediator is someone who can listen without taking sides and helps people to make the right decision.

**What the new law would change about helping parents by caring for children outside school**



# What the new law would change about helping parents by caring for children outside school

(in Part 4 of the Bill)

The idea of these changes is to make sure that there is enough good care to look after children while their parents go to work.

If the new law is agreed, there would be FOUR main changes to help parents who need someone to look after their children while they are at work.

These changes will happen in England, but not in Scotland, Wales or Northern Ireland.

## Change number one

*The idea is to help more people to look after children as childminders*

The new law would let approved people or organisations give permission for people to look after children as childminders. At the moment only Ofsted, the inspection organisation, can give people permission to work as childminders.

Childminders could be registered with these approved 'agencies', either to look after children up to 5 years old, or to look after older children up to 8. Ofsted would check that these agencies were OK.

## Change number two

*The idea is to save time and money*

The new law would mean that local councils don't have to write a report every three years about whether there are enough childminders and other people to look after children in their area.

Instead, they would be able to just give out information about this in a way they think is useful to people living in their areas.

## Change number three

*The idea is to help more inspections to happen when they need to*

Sometimes people who are looking after very young children want to have extra inspections. For example, they might be trying to do things much better since the last time the inspectors visited. They might want the inspectors to check on that and write a new report on how they are doing.

At the moment Ofsted can't ask people to pay for extra inspections whenever they want them.

The new law would let Ofsted ask people to pay for the extra inspections they want, if the Government says they should be able to have an extra inspection.

## **Change number four**

*The idea is to make it easier for schools to help children before and after school*

Schools that are run by their local councils can do different things to help their pupils and other local people. For example, they can run breakfast clubs or after school clubs.

The new law would say they can just do this in the future, without having to ask lots of people about it first, as they have to now.

# How the new law would change the Children's Commissioner



# How the new law would change the Children's Commissioner

(in Part 5 of the Bill)

There has been a Children's Commissioner in England since 2004. At the moment the Commissioner's job is to make sure that people know about children's needs and views. The Commissioner also stands up for children on big things that make a difference to lots of children. You can find out more about what the Commissioner does now by going to the [Children's Commissioner's website](#).

The new law will help the Commissioner make sure that people take proper notice of children's needs and children's rights. It would give the Commissioner stronger powers. It would make sure the Commissioner can decide what work to do for children.

If the new law is agreed, it will make FIVE main changes to the Children's Commissioner. These changes are mainly for England. The Commissioner can also look into things that the Government does that affect children over the whole of the United Kingdom. Children in Wales, Scotland and Northern Ireland have their own Children's Commissioners to look into things that the Governments of those countries have done.

## Change number one

*The idea is to give the Children's Commissioner for England the job of looking after the rights of all children in England*

Under the new law, the main job of the Children's Commissioner would be to tell people about children's rights, and to protect the rights of children. They would be able to look into anything to do with children's rights or what is best for children.

The Commissioner would still have the job of making sure people know about children's needs and views.

One of the things the Commissioner could do is to help the Government take children's rights into account before they bring in new ideas or laws. Another thing the Commissioner could do is to check on how well complaints procedures and advocates actually work for children.

All children have rights. These are in the [United Nations' Convention on the Rights of the Child](#).

## Change number two

*The idea is to give the Commissioner stronger powers*

The new law would say what powers the Children's Commissioner will have.

The Commissioner can already go into any place where children are. They can talk with children. Under the new law they would also be there to see how well children are being

cared for. The Commissioner will be able to talk to anyone who works there to find out how the children are being looked after. But the Commissioner would not be able to go into anyone's house.

The Commissioner can make recommendations to the Government or people who work with children. They can also ask them what they are going to do about those recommendations.

### **Change number three**

*The idea is to make sure the Children's Commissioner is independent but lets other people, including children, know what they are doing*

Under the new law, the Children's Commissioner would decide for themselves what they did for children's rights, children's needs and children's views. The Government could no longer give the Commissioner things to do.

The Commissioner would set up a group of people (the 'Advisory Board') to give them advice. This would be about what work to do for children and how it should be done.

Under the new law, the Children's Commissioner would write a plan about all the big things they want to do the next year. They would have to ask children and other people what they think about the plan in case they have other ideas. At the end of the year, they would write a report saying what they had done to protect children's rights. They would write a report that is easy for children to read. The Commissioner could send a copy of this report straight to Parliament to let them know what is going on.

### **Change number four**

*The idea is that in future, the Commissioner will pay particular attention to the rights of children in care or living away from home*

At the moment, the Children's Rights Director works specially for children in care, children getting help from children's social care, and children living away from home. You can find out more about this work by going to the [Rights Director's website](#).

Under the new law, there would not be a separate Children's Rights Director. Instead, the Children's Commissioner would pay special attention to the rights of those children.

Under the new law the Commissioner would have to say what work they plan to do each year to help those children. And at the end of the year they would write in their report what work they had done for those children. The Commissioner would also be able to give advice and help to individual children in these groups if their rights are not being met.

## **Change number five**

*The idea is to make it clear how long the Commissioner's job lasts for and to make sure children have a say in who the Commissioner is*

The new law would let the Commissioner do the job for six years. When a person has been the Commissioner once, they cannot apply to do the job again.

The Government has the final say in who the Commissioner is. But they must first ask some children what they think. The Government will also ask people in Parliament.

**You can contact the Commissioner online at [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk).**

**If you think the Commissioner may not be able to help you, but you would still like to talk to someone about a problem you have, try talking about it to someone you trust – they could be a parent, a carer or a teacher. Or you can get confidential support and advice from ChildLine, either online at [www.childline.org.uk](http://www.childline.org.uk) or by calling 0800 1111.**



**What the new law would change  
for parents when they have a new  
child**



# What the new law would change for parents when they have a new child

(in parts 6 and 7 of the Bill)

This bit of the Bill is to help both parents of a child to do the best for their child, starting from before the child is born.

It is to help both parents take part in looking after their child. It is to let them share time off between them after they have a baby.

And it is to give parents who are adopting a child the same sort of help and time off work that other parents have.

If the new law is agreed, there will be THREE main changes to help new parents have time off work when they need it.

Before any of these changes happen, the Government would need to make new rules about how they would work.

These changes would happen in England, Wales and Scotland, but not in Northern Ireland.

## Change number one

*The idea is for both parents to have time off to go together to clinic appointments before their baby is born*

The new law would let either the baby's father, or whoever is the mother's partner, take time off work to go to two clinic appointments with her while she is pregnant. These would be 'ante-natal' appointments, to check on things before the baby is born.

## Change number two

*The idea is to let people who are going to adopt a child have time off work to see the child and go to meetings about adoption*

The new law would let people who are going to adopt a child have time off work to see the child they are going to adopt. They could also have time off to go to meetings about adopting the child. This would be for meetings or visits with the child that had been arranged by the social workers.

One of the parents adopting the child would be allowed to take paid time off work five times. The other one would be allowed to take unpaid time off work two times.

### **Change number three**

*The idea is to let each parent take time off work when they have a new baby, so they can both have the chance to look after the baby*

At the moment, mothers get time off work when they have a new baby. This is called 'maternity leave'. The new law would let mums and dads share this time off between them. They can then both take time off to look after the baby.

New parents would be able to share the pay they get while they are away from work when they have a new child.

The new law would let people who are adopting a child share their time off and pay in the same way when they adopt their child. They may be able to do this too if the child is already living with them as a foster child before their adoption happens.

**How the new law would help  
people fit their work times around  
other things in their lives**



# How the new law would help people fit their work times around other things in their lives

(in Part 8 of the Bill)

If the new law is agreed, there will a change for everyone who has a job. This should help them share their time well between their work and their family.

The change would happen in England, Wales and Scotland, but not in Northern Ireland.

## The change

*The idea is that people who have a job can ask to change their work times or places if they need to*

Under the new law, anyone who has a job would be able to ask their boss to let them change their work hours. Or they would be able to ask if they can change where they do their work. They would be able to ask for these things after they had been in their job for 26 weeks (about six months).

At the moment, the only people who can ask for these things are people who need to change how they work so they can look after a child or someone else.

Bosses would not have to agree to change someone's work hours or where they do their job.

The new law would take away the rules bosses have to follow about this at the moment.

Instead, bosses would by law have to be reasonable in how they decide whether or not to let someone change their work hours or the place they do their work.

The Government says an organisation called 'Acas' will write some guidelines for what bosses need to do to be reasonable.

## What next?

The people in Parliament are now looking at what the Bill says, and deciding what changes need to be made to it. That will take most of this year (2013). If all goes well with that, the Queen will probably have the Bill to sign in about a year's time.

After the Queen has signed it, the new law would be called the Children and Families Act.

The changes we have told you about won't all happen straight away though. Government Ministers will decide when each change in the new Act will happen.

With thanks to Children's Rights Director, Dr Roger Morgan, for his work on this guide and to the groups of children and young people who have commented on it before publication.



Department  
for Education

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